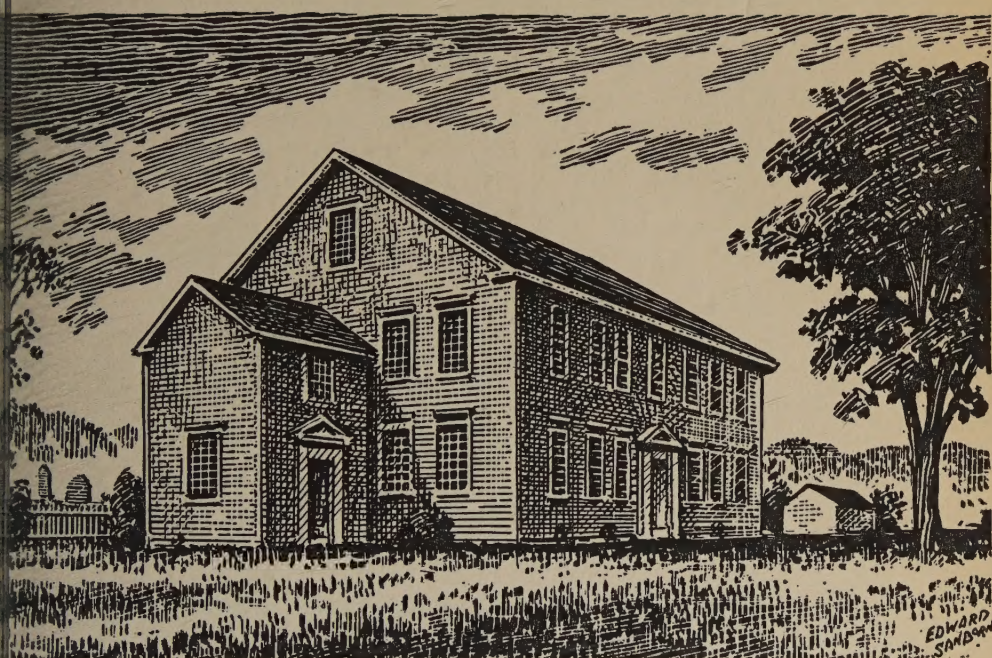


# VERMONT *Quarterly*



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ERECTED IN 1787

VERMONT HISTORICAL SOCIETY

VOL. XIX

No. 2



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VOL. XIX No. 2

# VERMONT *Quarterly*

A MAGAZINE OF HISTORY



April 1951

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*The* PROCEEDINGS *of the*  
VERMONT HISTORICAL SOCIETY

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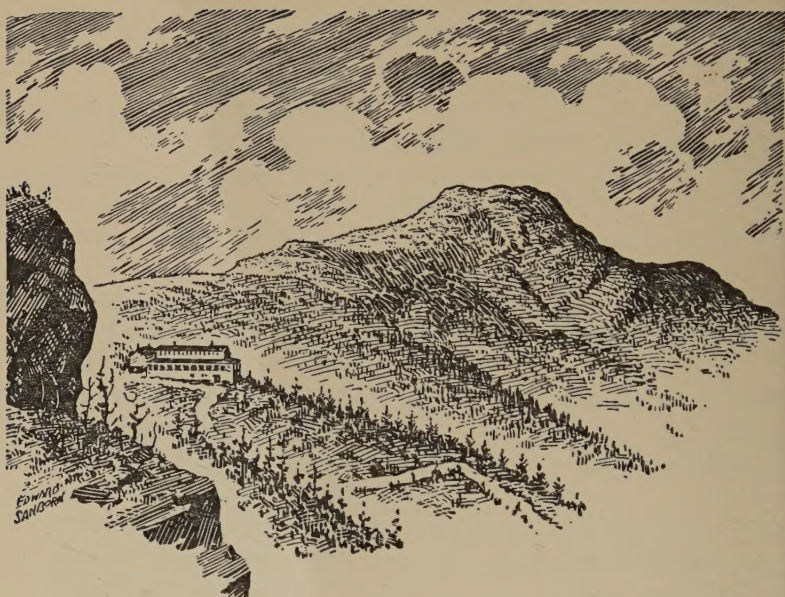
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### MOUNT MANSFIELD

CHIN (UNDERHILL) 4,393 Ft.—NOSE (STOWE) 4,075 Ft.

#### *The Hills Were Made for Freedom*

The hills were made for freedom; they  
Break at a breath the tyrant's rod;  
Chains clank in valleys; there the prey  
Writhes 'neath Oppression's heel alway:  
Hills bow to none but God!

From *Golden Poems*, 1911, by William Goldsmith Brown



## IMPRISONMENT FOR DEBT IN VERMONT: A HISTORY

By H. J. CONANT

*The imprisonment of two World War II veterans, one of them a decorated flier, drew national attention in 1949 to Vermont's "poor debtor's law." The statement of a Vermont County Clerk—as reported in the Burlington Free Press—that the veterans "could conceivably spend the rest of their lives in jail," added fuel to the flames; and the incident resulted in wide publicity, much of it highly detrimental to Vermont. As in so many cases of misunderstanding and confusion, history can supply the clear and final answer. For further details see the Postscript. Editor.*

THE readers of the *North Star*, published in Danville, Vt., on December 6, 1825, probably read this item:

He (La Fayette) had learnt that an officer of the revolution, one of his companions in arms, had been, for a long period, imprisoned for debt (in Danville jail) . . . That officer was Gen. William Barton.

In a letter, addressed to Gen. Fletcher, with whom he had, while in Vermont, conferred upon the subject, La Fayette enclosed a draft, with a request that the sum, for which Gen. Barton was confined, should be paid. That request was complied with, and Gen. Barton was informed that HE WAS NO LONGER A PRISONER! With what emotions of surprise and gratitude this intelligence was received by the valiant capturer of Prescott (the officer who captured Ethan Allen in Montreal) can be better imagined than described . . .

Many excellent sentiments were given by those assembled to witness the scene, and all participated in the satisfaction which was expressed, that Gen. Barton was at liberty to return to his family, after a separation of more than thirteen years.

One hundred and twenty-four years later, this sentence appeared in the *Rutland Herald* [May 26, 1949]:

One of the two veterans held in Rutland County jail on close jail executions, was a free man last night after 91 days of imprisonment because of a Memphis, Tenn., cotton broker's admiration for his war record.

These two quotations from two Vermont newspapers printed one hundred and twenty-four years apart describe similar incidents



arising from the enforcement of the Vermont law relating to imprisonment on civil process.

Recently, this Vermont law attracted nation-wide publicity because of the imprisonment of several war veterans who failed to pay judgments for damages rendered against them in *civil* actions based on their negligent operation of automobiles. While this procedure is not imprisonment for "debt" in the strict legal definition of that word which restricts the meaning to contract debts, still it is contrary to the practice in a good many other states although those states, like Vermont, allow imprisonment in civil cases where fraud or malice is proved. Most people today regard imprisonment as a punishment for crime and do not realize that it is still generally allowed in some civil actions, but under widely different circumstances and conditions in the several states.

The present interest in this subject suggests a brief review of its history in Vermont, especially as many of the facts relating to it are not widely known nor readily accessible.

The common law of England for many centuries allowed a creditor to arrest and imprison his debtor in *any* civil action and keep him in prison until the judgment against him was paid. This procedure of the common law is sufficiently well known not to need description here. It is vividly portrayed by Charles Dickens (whose father was imprisoned for debt at one time) in several of his novels.

One quotation from *The Pickwick Papers* will suffice: "We still leave unblotted in the leaves of our statute book for the reverence and admiration of succeeding ages, the just and wholesome law which declares that the sturdy felon shall be fed and clothed and that the penniless debtor shall be left to die of starvation and nakedness. This is no fiction. Not a week passes over our heads, but in every one of our prisons for debt, some of these men must inevitably expire in the slow agonies of want, if they were not relieved by their fellow prisoners."

This old English system was in force also in the United States.

McMaster in his *History of the People of the United States* describes the situation in the United States at considerable length. He says: "No crime known to the law brought so many to the jails and prisons as the crime of debt, and the class most likely to get into debt was the most defenceless and dependent, the great body of servants, of artisans and of laborers, those in short who depended on their daily wages for their daily bread." [Volume 1, p 98.]

How extensively did imprisonment for debt exist in Vermont? By direction of the Legislature, figures were compiled by the Secretary



of State for the years 1827-1829 from which it appears that in those three years four thousand and ninety-one [4091] persons were imprisoned in jails in Vermont for debt and only two thousand and eighty-five [2085] of them discharged during the same time. From figures given by Representative Upham in his speech in the Legislature of 1830, it appears that in Washington County alone two hundred and twelve [212] persons were committed to jail in 1829, seventy-five [75] of whom were released as not having any property. Mr. Upham made the statement that over one thousand eight hundred [1800] persons were committed to jail annually in Vermont and before being discharged had to pay over \$6,000 in fees to jail commissioners. Figures collected by the Prison Discipline Society of Boston show that in the northern states five times as many debtors as criminals were in prison. Many prominent men were imprisoned for debt, among others, Ira Allen in 1803.

But Vermont early began to make changes in the old English law. The first Constitution (1777) provided in Chapter 2 Section 25 as follows:

*The person of a debtor where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up, bona fide, all his estate, real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law.*

This is an exact copy from the Constitution of Pennsylvania which was the first State to limit imprisonment for debt by its Constitution. This provision of the Constitution was not self-executing, but many acts were passed, mostly private however, carrying out its purpose. The Vermont Assembly of June 1782 by a committee appointed to arrange the business of the session expressly recommended that a law should be enacted explaining this section, and a special committee was appointed to consider this item and report a bill.

This provision of the Constitution implies the necessity of some general insolvency law, but the legislators for many years did not favor such a law—although, as I shall show later, there were many individual cases of debtors considered and private acts of insolvency were passed. A committee report of October 21, 1786, stated that a general act of insolvency would be repugnant to the interest of the State. There was fear it would encourage fraud and perjury. There was also well-considered opinion that a state insolvency law would be unconstitutional. This question was finally decided by the United States Supreme Court in favor of its constitutionality, with some limitation, in the case of *Ogden v Saunders* (1827).

In the period of the Revolutionary War, there were many conditions

that made the collection of debts by legal process especially burdensome, such, for example, as the depreciation of paper money and the scarcity of silver and gold currency, also the poor marketability of land and personal property. This latter condition caused laws to be passed compelling creditors to waive execution against the person of the debtor unless they would accept real and personal property of the debtor in satisfaction of debts at a fair valuation. (1779, 1780, 1782).

The 1777 Constitution—Chapter 1, Art. 12 also provided:

*That no warrant or writ to attach the person or estate of any freeholder within this state shall be issued in civil actions, without the person or persons who request such warrant or attachment, first make oath or affirm before the authority who may be requested to issue the same, that he or they are in danger of losing his, her or their debts.* This provision was left out of the 1793 Constitution, and later ones.

The General Assembly of 1779, not only adopted the common law, but passed an act which provides:

*That in case moveable or personal estate of the debtor's sufficient to satisfy the debt and charges cannot be found and the creditor shall not agree or accept to take the debtor's lands, the officer shall levy the execution upon the debtor's body and him commit to the common goal in that county in which the execution is levied where the debtor or delinquent shall remain until he shall pay the debt, and all charges, with the officer's and prison keeper's fees or be otherwise discharged by due course of law.*

This act was amended in 1782 by making the creditor chargeable with the prisoner's keep in cases where debtor had no property and took an oath that he did not have property of the value of five pounds and had not disposed of any property to defraud his creditors. In case the creditor failed to pay such charges, the debtor was discharged, but not otherwise. The debtor "committed for debt or damages" also was admitted by the provisions of this act to the "liberties of the jail yard" on filing a bond indemnifying the sheriff, in case of his "escape." This was a very material change in the law, and mitigated its hardships. This Act was criticized by the Council of Censors (1785) as "not sufficiently guarding the property of the subject" by being too much in favor of the debtor in several particulars. Note that release was allowed in actions for "damages" (i.e. tort actions), a provision that was excluded later. This act was re-enacted in the 1787 revision, without material change.

The "liberties of the jail yard" were boundaries beyond the jail fixed by the chief judge of the county court (or later by statute) which were considered as part of the jail. They were established to lessen



the hardships caused by close confinement in jail and also to relieve the congestion in the jails caused by the great number of prisoners. They were also given, in the words of Judge Nathaniel Chipman "for the sake of the public, who are interested in his (debtor's) labor and in favor of humanity" (1 N Chap. 14). These limits were enlarged from time to time until in 1852, and thereafter they coincided with the boundaries of the State.

For lack of a general law relating to insolvency, the Legislature considered scores of petitions for relief of individuals from imprisonment and passed private acts granting many of them. These petitions were often founded on cases of unusual hardship, resulting from the imprisonment of the debtor. In some instances the private act suspended in a particular case some condition in the general law which prevented the debtor from taking the poor debtor's oath,—for example, that he had previously been convicted of a crime which disqualified him from taking any oath, or that he had expended some money to support his family after his confinement or that he had paid any of his creditors, anyone of which acts would make him guilty of perjury, if he should take the oath in its statutory form.

I will now consider a particular case that was given legislative attention. The customary procedure was for the debtor to present his petition to the Legislature which referred it to a committee which reported by bill or otherwise. William Goodrich, a veteran of the American Revolution, petitioned the Legislature for relief in 1786, as follows: *The petition of William Goodrich Humbly sheweth—That your petitioner from the strongest attachment to his Country & a Sincere wish to support the Rights of Humanity, & to Render his Services in procuring the freedom of American Independence, took an Early and active part in the Late War, your petitioner Experienced Great Hardship & fatigue in passing The Word from Boston to Quebec when your petitioner was made prisoner at the Assault made on that place by the ever Memorable General Montgomery; when your petitioner Suffered Great loss in property & long confinements your petitioner was Released in the year 1776 and Continued in the Service of the Country until 1779 when your petitioner found it Necessary to pursue Some employment for the Support of himself & family; And as there appeared the most flattering prospects in the Mercantile Branch, your petitioner entered Largely into that business in which he continued for several years with Great Success as he Supposed but to his Great Surprise he found himself Defeated by the Destruction of the paper Medium on which your petitioner depended for the payment & Discharge of Large Sums which he justly owed, this Misfortune (which*

has proved the Ruin of Many of the Most Valuable Subjects in America) together with many other Losses & Misfortunes, has Rendered it impossible for your petitioner to Extricate himself from those difficulties in the full discharge of his honest Debts And Whereas Numerous Actions is Commenced at Law against your petitioner & Large bills of Cost constantly accumulating whereby your honors petitioner is Constantly Embarrassed and discouraged from Attending to any Constant Employment for the Support of himself & family, and Whereas your honors petitioner Sincerely wishes Still to Contribute to Render Service to the public as an Industrious faithful Subject & Member of Society, prays this honorable house to take his Case into their wise consideration & point out Some way to Relieve your petitioner who Stands free & willing to Deliver up Bonafida all his Estate boath Real & Personal to Satisfy his said Creditors under Such Restrictions & directions as your honors in Wisdom shall direct and your petitioner in duty shall ever pray

Wm Goodrich

Rutland 16th October 1786

This petition was granted, and Goodrich was discharged from his creditors on delivering up *bona fide* all his estate. The vote was reconsidered, however, and the bill referred to the next session of the General Assembly, and Goodrich was required to publish the substance of his petition in two newspapers for three weeks, notifying his creditors to appear before the next session of the Assembly. Meanwhile civil suits against him were continued and executions stayed. The next session of the Assembly postponed action until the next following session, when the act of discharge was again passed by a vote of 40-27 (October 22, 1787).

Private acts of this nature became gradually more numerous until 1821; in that one year they were thirty-four in number.

A question now arose as to the constitutionality of these private acts. The Council of Censors in their report of 1820 said that these private acts were in "Violation of the letter and spirit of the Constitution of this and the United States." The matter was taken before the Supreme Court which, in the case of *Ward v Barnard & Aiken* 121 (1825), held them void as unconstitutional.

The court said:

"The act, therefore, discharging the body, was conferring upon this person a privilege not extended to other citizens in like circumstances and taking from the creditor rights enjoyed by other citizens in like circumstances."



I will now consider some of the *general* acts relating to imprisonment for debt:

An Act was passed in 1796 requiring persons petitioning the General Assembly for suspension of prosecutions, acts of insolvency, or liberation for imprisonment to advertise in Windsor and Rutland newspapers for three weeks successively their intention or give twenty days personal notice to their creditors.

In 1797, the provisions relating to payment of charges by creditor in order to keep debtor confined were omitted, and the hardships of the law were mitigated by releasing debtors upon their taking the poor debtor's oath after notice (20-30 days) given to the creditor to appear and after consent of the court (Supreme or County Judge and one Justice of Peace) given to the debtor to take the oath, and after it was decided that the debtor was a "fit and proper subject of the privilege and benefit given by this Act." The debtor had to pay all fees and charges caused by his imprisonment before discharge, including the creditor's payments for his keep. After discharge the debtor was exempt from arrest for the same debt, but his property was still subject to execution levy. This act also provided for admission of the debtor to the liberties of the jail yard upon giving bond. It applied only to contract actions in both respects.

If the court refused to allow debtor to take the oath, the debtor became liable for the costs of the hearing held on his petition for release, thus increasing the amount the debtor had to pay before obtaining his release.

In 1802, an Act was passed as follows:

*Whereas no provision is made in and by the act of March 9, 1797 for the relief of persons imprisoned who held and possess real and personal property when the creditor refuses to take the same; By reason of which many of the citizens of this State have been and still are subject to be long imprisoned, to their great injury, and against the principles of the 33 section of the Constitution of the State, (quoted above as section 25) which evils to prevent,"* etc. The Act goes on and provides for tender of property to creditor by debtor at an appraisal made by three indifferent persons appointed by a judge of the County Court; and if creditor refuses same, debtor may sell his property and use proceeds to pay his creditors and then may be released on taking the poor debtor's oath, and is freed from all previous debts owed to persons actually mentioned in the proceedings.

This Act also nullifies any mortgage on debtor's property held by the creditor if the creditor takes out body execution on the debt. This

provision was repealed by 1803 Act, which also provided for notice to be given to creditors of the hearing for leave to take the poor debtor's oath.

Act of 1806 repeals Section 2 of 1803 Act which provided that debtor released on oath should be free from arrest for certain debts contracted prior to release, but it provides that debtor is not liable for any debt existing at time of his release to the creditor "on whose suit he had been so discharged."

In 1819 an Act was passed abolishing imprisonment in future contract actions where damages were not over fifteen dollars. This Act was repealed the next year.

In 1821 an Act was passed that support charges of poor debtors confined in jail who had no legal settlement in Vermont should be paid by the State.

Another Act of this session provided that the privilege of taking the poor debtor's oath should be extended to poor debtors confined on *any* civil process, thus including tort actions. This Act was limited by the Act of 1823, which extends the privilege of jail liberties to persons confined in tort actions, unless the court finds that the cause of action was due to a "wilful and malicious act or neglect." *This exception is the origin of our present law relating to imprisonment in tort actions.*

This Act also provides that persons who, while in jail, have paid money to creditors or for the support of their family may take the oath; also persons who are under disability as a witness, if the jail commissioners think he is a fit person.

There is no doubt that public opinion in Vermont supported imprisonment for debt during our early years. For many years the few who advocated its repeal were looked upon as visionaries. But public sentiment in favor of repeal steadily grew, and by 1820 public meetings were commonly held in many parts of the State, and petitions were presented to the Legislature, for its abolition.

In 1822, the General Assembly referred the question to a committee with instructions to consider the matter and report. The committee reported that it was "unexpedient" to change the law.

Governor Van Ness in his message said: (1823)

"The power which the former (creditor) has long been suffered to exercise over the person of the latter (debtor) whether his conduct has been honest or fraudulent is at variance with the mild policy of our laws in all other respects and is repugnant to the best feelings of the human heart."

Section 33 of the Constitution (quoted above as section 25) was



repeatedly referred to as demanding action by the Legislature, carrying out its purpose. For example, in 1827, the General Assembly passed a resolution stating that: "The existing laws on that subject fall far short of extending to that class of our citizens that protection and enjoyment of their rights which are guaranteed to them by the constitution; and therefore also resolved that the Judiciary Committee be directed to report a bill to prevent the body of a debtor from being imprisoned, if he will deliver up all his property, except such as is exempt by law from execution, for the benefit of his creditors."

This resolution was passed and a bill reported; but the matter was finally referred to the next session of the Legislature.

Bills to abolish imprisonment for debt were introduced in practically every session of the Legislature for action. In 1829 a bill was killed (although reported favorably) by a vote 114-79.

Governor Crafts in his message of 1830 said in reference to this matter: "Public opinion calls loudly for its removal . . . The only question that can arise is the expediency of the measure. It might have a tendency to diminish the general credit which prevails through the state; and should such even be the case, it is believed the effect would be beneficial, rather than prejudicial to the community. The subject is respectfully recommended to your consideration."

In 1830 there began an organized movement of workingmen and farmers who formed societies and published the *Working Man's Gazette* in Woodstock. One of the principal parts of their program was abolition of imprisonment for debt. Public meetings were held and public opinion against this law found expression in numerous petitions to the Legislature. Similar movements were widespread at this time all over New England. The existing law was denounced by well-known and influential people as a "monstrous injustice," "relic of barbarism," "atrocious," "a savage code," to quote a few examples.

In the Legislature of 1830 Mr. Upham of Montpelier (later U. S. Senator) made a strong and passionate speech in favor of abolition of imprisonment for debt [*Working Man's Gazette*, December 15, 1830]. The matter was given long consideration in this Legislature, and a committee was directed to report a bill on the subject. They reported a bill to abolish imprisonment for debt in contract actions. This bill was ardently supported by Mr. Upham and was opposed by Mr. Collamer (who later was U. S. Senator). This bill was rejected by a vote of 110 to 88.

Mr. Collamer's speech against the bill is printed in the *Burlington Sentinel* for November 26, 1830. The gist of it is that it would destroy

credit and thus paralyze enterprise of the man without money. He said the bill is "an experiment on our trust and credulity little short of desperation."

Mr. Collamer's committee reported another bill which abolished imprisonment in contract actions where the debtor is allowed by the court to take an oath after examination to the effect that he does not have property (exempt from execution) over \$20 in value and that he has not disposed of any of his property in fraud of his creditors.

This bill was passed by a vote of 126-78. This act allowed the debtor to take the oath *before* execution was issued confining him in prison.

This law did not satisfy the proponents of the movement, and the question was taken up again at each session of the Legislature thereafter until imprisonment for debt was abolished.

Another Act of this session allowed a debtor imprisoned in a tort case (for "wilful and malicious act") to apply to the County Court after twelve days' notice given to his creditor (before the opening of the term of Court) for discharge after taking the poor debtor's oath, *if* the court allowed him to take it.

The Court would decide whether to allow the debtor to take the oath or not to allow him, on consideration of all the facts in the case including the extent of his imprisonment, and might make his release conditional upon payment of part of the debt. *This is, in substance, the basis of our present law.*

Governor Palmer in his 1831 message said: "The power which, under existing laws, the creditor claims and exercises over the body of his debtor, has always appeared to me to be inconsistent with the mild policy of our laws and the free and liberal spirit of our institutions, and especially at variance with that clause of our constitution which provides that 'the person of the debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up all his estate for the use of his creditors.' It is true that difficulties exist in regulating the details of a system calculated to secure to all the just rights belonging to each; but it is believed that the wisdom of the legislature can devise some plan which shall give relief to a class of community, whose claims to our attention are founded in the first principles of benevolence and justice."

Failure by the Legislature to act caused Governor Palmer in his message to the next session (1832) to be more insistent. He said: "I feel it my duty to present again for your consideration a subject to which I briefly alluded at the last session. It is that relic of a dark age and barbarous code, imprisonment for debt. I cannot permit the



occasion to pass without manifesting my decided disapprobation of this discordant feature in our statutes, and expressing the opinion that it is inconsistent both with the spirit of our laws and the constitution of the state."

In 1834 the General Assembly passed the following Act:

*No female shall be hereafter arrested or imprisoned on mesne process, or on any execution issued on a judgment founded on any contract, made and entered into after the first day of January next.* This section is carried forward into all of the later Revisions until it was repealed in 1945. (No. 31)

Petitions to the Legislature for repeal of the law permitting imprisonment became so numerous that this year printed forms were used, as follows:

One petition from Burlington had four hundred signers and reads:

*To the Honorable The General Assembly of Vermont, Comes the undersigned petitioners the inhabitants of . . . and respectfully represent,*

*That they consider the law of imprisonment for debt, except in cases of fraud, to be unjust and against the good policy of the state.*

*They deem it unjust for the reason that it involves the honest debtor in the same calamities as the fraudulent—that it deprives the debtor of the only means of payment of the debt for which he is confined.*

*It is impolitic, as it accumulates cost unnecessarily—renders the payment of the debt less probable—deprives society of the industry and energies of its most useful members, the middling and laboring classes, destroys the ambition, induces idleness and leads to a dissipated course of life. For these and other reasons which might be suggested, we pray for its abolishment.*

The committee to whom these petitions were referred reported that the passage of an act was "unexpedient" at this time.

In 1835, the matter came up again before the Legislature. A bill was reported favorably, but the minority of the committee made a separate report which recommended further study by an interim committee to consider some substitute practice. There was no disagreement in the committee as to the need of some action. This minority report is as follows:

"That in referring the subject to the Constitution, however it may be permissible by that instrument, your committee are fully satisfied that its spirit is violated by the continuance of the present system of enforcing collections by restraining the body of the debtor. This practice had its origin in a barbarous age, and at a period in the history of the parent country, distinguished for arbitrary laws; and when the

rights of personal liberty were deemed less sacred, than at the present moment, under our free and happy institutions. The only ground upon which imprisonment for debt can be justified is, as the means of compelling the debtor to produce, in satisfaction, of the claims of creditors, property which he has secretly withdrawn from the ordinary process of law. Should this be found the most efficient means of answering the end proposed, without unjustly infringing the personal liberty of the debtor, it would admit of apology. But in view of either of these considerations, imprisonment for debt is unworthy of toleration in a free and enlightened community. It confounds innocence with guilt, by inflicting the same penalties upon the unfortunate, as upon the fraudulent debtor. It deprives the former of the means of payment by depriving him of his liberty; and finds no palliation for its continuance, in the belief that a system better calculated to accomplish the end proposed cannot be devised and adopted."

This bill was passed by the Assembly by a vote of 100-30, but the Governor and Council proposed amendments. The Assembly refused to accept these, and the Governor and Council suspended operation of the bill until the next session when the bill failed of final passage.

In 1836 and 1837, bills were again considered, and one passed the House but was killed by the Senate.

In 1838—Governor Jenison said in his annual message:

"Ineffectual attempts have repeatedly been made to abolish imprisonment for debt. Although they have not resulted in the entire accomplishment of their object, they have, nevertheless, led to an investigation of the rights of creditor and debtor, highly favorable to a judicious, equitable and enlightened legislation upon the subject. If it be admitted that misfortune should not be visited with punishment as crime, and that punishment should not be left to be meted out by the creditor,—the person of all others most likely to do injustice in the case,—then the first object of the law should be to mark the distinction in a manner so plain that the unfortunate should never be mistaken for the criminal. The debtor, upon disclosing and surrendering his means for the discharge of his debts, should thereby disarm his creditor of all power to incarcerate his body."

Public opinion was now strongly in favor of abolition of imprisonment for debt, as further shown by the following brief quotations:

In an indictment by the Grand Jury of Chittenden County of the County Jail, the jurors said,

"From the present state of public opinion, we are happy in feeling assured, that the barbarous custom of imprisonment for debt, will be speedily done away." (August 1838).

"The abolishing of imprisonment for debt, for instance, has been a favorite hobby for the Whig seekers for office, of late. The unanimous voice of the people demand it; the Democracy have always advocated it."—Editorial, *Burlington Sentinel*—October 11, 1838.

This change in public opinion is a good example of John Stuart Mill's remark, that "the entire History of social improvement has been a series of transitions by which one custom or institutions after another, from being a supposed primary necessity of social existence, has passed into the rank of an universally stigmatized injustice and tyranny."

The matter was pressed to final action in the 1838 Legislature, and imprisonment for debt was abolished by a vote of 127-80 in the House and 17-7 in the Senate.

This law did not cover actions in trespass (torts), and a committee appointed to consider abolishing imprisonment in these actions where malice did not exist reported in favor of not making any changes in the Acts of 1823 and 1830.

Thus was accomplished in Vermont what Chief Justice Hughes called "one of the greatest reforms in the History of legislation," and "one of the great charters of liberty." "Nothing done by the States since they provided for the gradual or complete abolition of slavery did so much to alleviate human suffering, unjustly and often maliciously inflicted, as the abolition of imprisonment for petty debts." [*McMaster*, vol. 4. pp 535.]

We need mention only very briefly the subsequent history of this matter after this abolition act was passed. Imprisonment in civil actions still exists in cases of contempt of court, and under certain circumstances in bastardy and divorce proceedings. Imprisonment in civil actions also still exists in cases of absconding debtors, but they may be admitted to the limits of the State upon giving bond, etc.

But it is in tort actions and especially in automobile accident cases that imprisonment in civil actions occurs most often today. However, in these actions prisoners may be admitted to the liberties of the jail yard or discharged on taking the poor debtor's oath—*except in cases of "wilful and malicious" acts or negligence*. In such cases the prisoner is kept in jail until the court determines, after hearing, that the circumstances justify his being permitted to take the poor debtor's oath, and thereupon he is released.

The object of this law as stated by the Vermont Supreme Court in the case of *Middlebury v. Haight*—1 *Vt.* 423—is "to coerce the debtor to apply the means which may be in his power to the payment of debt." When "he is unable to make payment, friends and even stran-



gers may be induced from motives of charity and humanity to advance the requisite sum for his relief."

As stated by Justice Cleary in a recent case, "The object is twofold, partly remedial, partly punitive; to furnish a more effective remedy to a party who has suffered injury from the wanton and malicious act or conduct of another, and to punish such offender for such wanton and wicked violation of another's rights."

Our law applicable to persons who have been adjudged guilty of "wilful and malicious" acts or negligence has remained essentially the same for over one hundred years except as the courts have changed their construction of the words "wilful and malicious." Because of the fact that the courts in Vermont construe these words differently from their common everyday meaning so that they are now applied in fact to cases of ordinary negligence, at least in cases involving the operation of automobiles, the situation in Vermont relating to imprisonment for non-payment of judgments in civil actions is quite different from that in most other states. *Smith v. Ladrie*, 98 Vt. 429; *Benway v. Hooper*, 110 Vt. 497.

There was an amendment in 1949 to the law relating to persons confined in jail on civil process, viz:

- 1) the expense of confinement in excess of thirty days is paid by the state;
- 2) the prisoner may be transferred after thirty days from the county jail to the House of Correction on his petition to the Court.

To summarize: the hard provisions of the common law allowing imprisonment for debt were modified early in Vermont, first by legislative relief in individual cases, and later by the passage of laws permitting the debtor to be freed from imprisonment by taking the poor debtor's oath or by admitting him to the liberties of the jail yard. As many cases of imprisonment in civil actions existed notwithstanding these remedial provisions, public opinion, after many years, persuaded the Legislature to abolish imprisonment for debt in all actions of contract. Imprisonment still exists for non-payment of the judgment in tort actions especially where the wrong or injury complained of results from a "wilful and malicious" act or omission. In such cases, release from imprisonment is granted by the court in its sound discretion.



## VERMONT DIALECTAL EXPRESSIONS

By MURIEL J. HUGHES

*This collection by Professor Hughes is offered our readers with the hope that they may find in their memories or recall from other days other expressions which in one way or another have a Vermont flavor or background. Each phrase tends to become a peephole into history. For further details see the Postscript. Editor.*

### Exclamations!

Bless his heart and pluck and gizzard! Bless my buttons! By faith and by jolly, Sir! By the great horn spoons! By thundering canthooks! By cracky! Dear me Suz! Furiation! Godfreydemon! Go it, Sal! I'll hold yer bunnit! Go to Halifax! Gosh rye! Great Caesar's bald-headed ghost! Gosh all filax! Gosh all fishhooks! Gosh all hemlock! How in Sam Hill—. Jumping Jehosophat! Land o' Goshen! Land of Liberty! My stars! My stars and garters! I swan! Thunder in the winter! Tutation! What in tarnation!

### Health

cricks in the back. rheumatiz. bruised muscles all corded up. awful peaked. take a chill. take to one's bed, all of a washin' sweat. a sinkin' spell. shock. all tuckered out. all petered out.

### Household Expressions

The house looks like a hurrah's nest. The house looks as though the Devil'd had an auction and had left everything there. The house looks as neat's a trout. A woman can throw out more with a spoon than a man can bring home with a shovel. Craftsbury: strushled (mussed, disorderly); stravaging around (working); trokes (household chores); but—kitchen; ben—parlor; claik—visit.

### People

He ain't got the guts of an English sparrow. Meaner'n pusley. Contrary as an off ox. So narrer minded he can see through the keyhole with both eyes. As queer as a three dollar bill. He has more

kids than a flight of stairs. He has more young un's than a hen's setting. She talked as though her tongue was hung in the middle and wagged at both ends. She could talk the tin ear off an iron dog. A gossip is called "the weekly news." A good hand to turn off work. A good provider for his family. Just as sound as a piece of old cheese. He's so tight that he'd skin a flea for the hide and taller. His soul's so small 'twoud rattle around in a flea's bladder like a pea in a hog's head. He's tighter'n bark to a tree. So tight he squeaks. He'd pinch a penny till it squeaks. No great shakes. No great punkins. Pretty small potatoes and few in a hill.

## Figures of Speech

as dark as a Dutchman's pocket. darker'n the inside of a cow. as brown as a muffin. as black as up-chimney. as busy as a one-armed paper hanger with the itch (the hives). as busy as a toad lapping lightning. cleaner'n smelt. as cold as a lambs' tail in the January thaw. fits like a duck's foot in the mud. fits like a pig's foot in the mud. fits like a bearskin on a woodchuck. fits like a mitten on a sled stake. fits like a shirt on a bean pole. as handy as a pocket in another man's shirt. tougher'n a green elm. harder than linkum vity (lignum vitae). as hard as dragging a cat out from under the barn. homely enough to stop a down train. hotter'n love in hay time. hotter'n Tophet. as independent as a hog on ice—with his tail froze in. as homely as a hedge fence. as lonely as a hedge fence. longer'n the moral law. longer'n a wet week. loud as Grandpa's flannels. meaner'n pusly. older'n the Devil's grandfather. as plump as a biscuit. The house was so quiet that I could hear yesterday going down the backstairs. slicker'n a bean. slow as molasses in January running up hill. too small to swing a cat in. tighter'n the bark on a beech tree. as contented as a pig in mud. slippier'n a greased pig. drier'n a cork leg. as safe as in God's pocket. funnier'n a barrel of monkeys. You don't need that any more'n you need fire in your shoes. This house looks as though it was sent for and couldn't go. as big as the world and part of Groton.

## Other Expressions

store boughten shoes. a Canada thaw (after two feet of snow). rule (recipe). broad shelf (counter).

## Weather

good hayin' weather. it's spittin' (it is raining lightly). It's flakin'



(it is snowing gently). It's awful good sleddin', or it's tough sleddin'. If March comes in like a lion, she's more'n likely to go out like the Devil. Open and shet, sign of wet. The bluejays are hollering for cold and snow. A ring around the moon means snow. It's going to rain; the cattle are bunched together and lying down in the forenoon. If there is enough blue sky to make a pair of men's overalls, the weather will clear.

## Distance

down the rud a piece. steeper'n Sam Hill. down street. up the road a snort and a beller. a few hoe handles down the road. just a cat's jump away.

## Philosophy

Ain't nuthin' so bad but it might be wus. Blood is thicker'n water if it is worth anything. He hasn't got the brain in his body nor any place to put one. A new broom sweeps clean; the old one knows the corners best. Every cask smells of the wine it contains. Charity should begin at home, but should not stay there. You couldn't find your way out of a wet paper bag. A drop of honey catches more flies than a barrel of vinegar. You won't hurt a smile by cracking one. Men aren't worth the salt of a woman's tears. Two movings are equal to one fire. It's a poor hen that won't scratch for her chicks. You can't judge a man by his overcoat. Company on Monday means company all the week. Suppers kill more than the greatest doctors can cure. It's a good horse that never stumbles. He that will steal an egg will steal an ox. The old native who said, "They tell me that I have lost my mind, but I ain't missed it none yet."

## Frugality

It's a poor back that can't press its own shirt. It's a poor foot that can't shape its own stocking. Save your breath and cool your soup (porridge, potage). Keep money when you're young, that you can have it when you're old. I don't need it any more than a cat needs a pocket.

## Pronunciation

1. *i* for *e*: *git* for *get*. *I'll git there jest as fast as I kin.* *kittle* for *kettle*.  
2. *aigs* for *eggs*. 3. Leaving off the *g* in *ing*. *I ain't aimin' to go*. 4. *arn* for *earn*, *larn* for *learn*. 5. *arr* for *our*. *Arr* children are all in school.

6. *aour* for *our*. *Sam Lovel's Camps*: "These is aour rats!" 7. *agin* for *against*. 8. *Ameriker* for *America*. [Mr. Crane, *Let Me Show You Vermont*]. 9. *ayuh* for *yes*. 10. *curus* for *curious*. [Mr. Crane.] 11. *Danel* for *Daniel*. 12. *I druther* for *I'd rather*. 13. *ex* for *axle*. 14. *et* for *eaten*. 15. *f'r* instance— for *instance*. 16. *specalate*—*speculate*. 17. *spun*—*spoon*. 18. *rud*—*road*. 19. *kivver* for *cover*.

## The Missisquoi Mission

[*A mission was erected two miles below Taquahunga Falls (Swanton, Vermont) on the east bank of the Missisquoi River, prior to 1682. The chapel was built of stone, and it contained a bell which was rung night and morning. Directly across the river, the Indian Chief Gray-Lock had his castle, from which many raiding parties left for the frontiers of Massachusetts and New York.*]

Long, long ago, the saga runs,  
 Came Jesuit men of prayer,  
 To settle on Missisquoi's bank  
 And build a chapel there.  
 To Gray-Lock's dusky men of war  
 They taught God's love for man;  
 The captives brought from Bridgman's Fort  
 They blessed with reverent hand.  
 When dawn in gold rose o'er the marsh,  
 The bell tolled call to prayer;  
 Again when evening rose in dusk,  
 The faithful worshiped there.  
 The chapel built of stone is gone;  
 Its bell is silent now.  
 Departed are the black-robed men,  
 Their heads no longer bow.  
 But Taquahunga leaps and falls;  
 Missisquoi still flows on:  
 She holds within her silent tide,  
 The secret of things gone.

Barbara S. Ross

## The "Widow's Clearing"

*(On Breadloaf Mountain, Vermont)*

Beauty was there  
And peace,  
And the strength of the hills.  
So they came.  
Came from across the Atlantic,  
Up the Connecticut,  
Up the White River,  
Across the Divide,  
Up to the clearing.  
It took a long time,—  
Four generations.

The view was wonderful,  
The grass tasted good to the oxen;  
There were trout in the stream,  
And deer on the mountain,  
And the sugar maples were sweet in the spring.

They stayed a long time,—  
Four generations.  
The axe and the scythe,  
The plow and the cradle  
Did their work.  
Finally the tide moved on,  
On to Michigan, Iowa, Oregon.  
The boys went West.  
And the girls married boys  
Who went West.

There was work out there,  
Out there in the West—  
So they took the axe and the scythe,  
The plow and the cradle,  
Only the widow stayed.  
Finally she went—  
West.

Scrub apples and thistles  
And immortelles—  
The clearing is smaller now,—  
Smaller.  
The pines and the spruce and the hemlocks  
Have renewed their march.

Only the hills are there,  
And beauty  
And peace.

*Samuel B. Pettengill*





## PAGES FROM THE PAST

*The first of this series appeared in the January issue. The general idea is to select pages from older publications which are difficult to secure; and the pages selected will represent certain Vermont historical values and interest. Editor.*

2. From *The Redeemed Captive Returning to Zion; or A Faithful History of Remarkable Occurrences in the Captivity and Deliverance of Mr. John Williams, Minister of the Gospel in Deerfield. Sixth Edition. 1795.*

*John Williams became minister at Deerfield, Mass., in 1686, which was a frontier town. King William's War was near at hand, and to go outside the stockade unguarded was at the risk of life or liberty. Before the Deerfield massacre, there were many incidents, beginning in 1693, in which men, women, and children were either captured or killed as a result of Indian raids. The narrative was written at Deerfield by Mr. Williams, after two and a half years of captivity, and published at Boston. Editor.*

The history I am going to write, proves that days of fasting and prayer, without reformation, will not avail to turn away the anger of God from a professing people; and yet witnesseth, how very advantageous, gracious supplications are, to prepare particular Christians, patiently to suffer the will of God, in very trying publick calamities . . . For some of us, moved with fear, set apart a day of prayer, to ask of God, either to spare, and save us from the hands of our enemies, or to prepare us to sanctify and honour him in what way soever he should come forth towards us. The places of Scripture from whence we were entertained, were Gen. xxxii. 10, 11. *I am not worthy of the least of all the mercies, and of all the truth which thou hast shewed unto thy servant. Deliver me, I pray thee, from the hand of my brother, from the hand of my brother, from the hand of Esau; For I fear him, lest he will come and smite me, and the mother with the children.* (In the forenoon). And Gen. xxxii 26. *And he said, I will not let thee go, except thou bless me.* (In the afternoon). From which we were called upon to spread the causes of fear, relating to our own selves, or families, before God; as also, how it becomes us, with an undeniable importunity, to be following God, with earnest prayers for his blessing, in every condition. And it is very observable, how God ordered our prayers, in a peculiar manner,

to be going up to him; to prepare us with a right Christian spirit, to undergo, and endure suffering trials . . .

On the twenty-ninth of February, 1703, 4, not long before the break of day, the enemy came in like a flood upon us; our watch being unfaithful, and evil, whose awful effects, in a surprisal of our fort, should bespeak all watchmen to avoid, as they would not bring the charge of blood upon themselves. They came to my house in the beginning of the onset, and by their violent endeavours to break open door and windows, with axes and hatchets, awaked me out of sleep; on which I leaped out of bed and running toward the door, perceived the enemy making their entrance into the house. I called to awaken two soldiers, in the chamber; and returned toward my bed-side, for my arms. The enemy immediately brake into the room, I judge to the number of twenty, with painted faces, and hideous acclamations. I reached up my hands to the bed-tester, for my pistol, uttering a short petition to God, for everlasting mercies for me and mine, on the account of the merits of our glorified Redeemer; expecting a present passage through the valley of the shadow of death; saying in myself, as Isaiah xxxviii. 10, 11. *I said, in the cutting off of my days, I shall go to the gates of the grave: I am deprived of the residue of my years. I said, I shall not see the Lord, even the Lord, in the land of the living: I shall behold man no more with the inhabitants of the world.* Taking down my pistol, I cocked it and put it to the breast of the first Indian who came up; but my pistol missing fire, I was seized by three Indians, who disarmed me, and bound me naked, as I was in my shirt, and, so I stood for near the space of an hour. Binding me, they told me they would carry me to Quebec. My pistol missing fire was an occasion of my life's being preserved; since which I have also found it profitable to be crossed in my own will. The judgment of God did not long slumber against one of the three which took me, who was a captain, for by sunrising he received a mortal shot from my next neighbour's house; who opposed so great a number of French and Indians as three hundred, and yet were no more than seven men in an ungarrisoned house.

I cannot relate the distressing care I had for my dear wife, who had lain-in but a few weeks before, and for my poor children, family and, Christian neighbours. The enemy fell to rifling the house, and entered in great numbers into every room of the house. I begged of God to remember mercy in the midst of judgment; that he would so far restrain their wrath, as to prevent their murdering of us; that we might have grace to glorify his name, whether in life or death; and,

as I was able, committed our state to God. The enemies who entered the house were all of them Indians and Macquas, insulted over me a while, holding up hatchets over my head, threatening to burn all I had; but yet God, beyond expectation, made us in a great measure to be pitied; for though some were so cruel and barbarous as to take and carry to the door, two of my children, and murder them, as also a negro woman, yet they gave me liberty to put on my clothes, keeping me bound with a cord on one arm, till I put on my clothes to the other; and then changing my cord, they let me dress myself, and then pinioned me again; Gave liberty to my dear wife to dress herself; and our children. About sun an hour high, we were all carried out of the house, for a march, and saw many of the houses of my neighbours in flames, perceiving the whole fort, one house excepted, to be taken. Who can tell what sorrows pierced our souls, when we saw ourselves carried away from God's sanctuary, to go into a strange land, exposed to so many trials? The journey being at least three hundred miles we were to travel; the snow up to the knees, and we never inured to such hardships and fatigues; the place we were to be carried to, a popish country. Upon my parting from the town, they fired my house and barn. We were carried over the river, to the foot of the mountain, about a mile from my house, where we found a great number of our Christian neighbours, men, and children, to the number of an hundred, nineteen of whom were afterwards murdered by the way, and two starved to death, near Cowass, in a time of great scarcity or famine, the savages underwent there. When we came to the foot of the mountain, they took away our shoes, and give us, in the room of them, Indian shoes, to prepare us for our travel. Whilst we were there, the English beat out a company, that remained in the town, and pursued them to the river, killing and wounding many of them, but the body of the army, being alarmed, they repulsed those few English that pursued them.

I am not able to give you an account of the number of the enemy slain; but I observed after this fight, no great insulting mirth, as I expected; and saw many wounded persons, and for several days together they buried of their party, and one of chief note among the Macquas. The governour of Canada told me, his army had that success with the loss of but eleven men, three Frenchmen, one of whom was the lieutenant of the army, five Macquas, and three Indians: But after my arrival at Quebec, I spake with an Englishman, who was taken the last war, and married there, and of their religion; who told me, they lost above forty, and that many were wounded.



I replied, the governour of Canada said they lost but eleven men. He answered, it is true, that there were but eleven killed out-right at the taking of the fort, but that many others were wounded, among whom was the ensign of the French; but, said he, they had a fight in the meadow, and that in both engagements they lost more than forty. Some of the soldiers, both French and Indians, then present, told me so, (said he), adding, that the French always endeavour to conceal the number of their slain.

After this, we went up the mountain, and saw the smoke of the fires in town, and beheld the awful desolations of Deerfield: And before we marched any farther, they killed a sucking child of the English. There were slain by the enemy, of the inhabitants of our town, to the number of thirty-eight, besides nine of the neighboring towns. We travelled not far the first day; God made the heathen so to pity our children, that though they had several wounded persons of their own to carry upon their shoulders for thirty miles, before they came to the river, yet they carried our children, incapable of travelling, upon their shoulders, and in their arms. When we came to our lodging place, the first night, they dug away the snow, and made some wigwams, cut down some of the small branches of spruce trees to lie down on, and gave the prisoners somewhat to eat; but we had but little appetite. I was pinioned, and bound down that night, and so I was every night whilst I was with the army. Some of the enemy who brought drink with them from the town, fell to drinking, and in their drunken fit they killed my negro man, the only dead person I either saw at the town, or in the way. In the night an Englishman made his escape. In the morning I was called for, and ordered by the general to tell the English, that if any more made their escape, they would burn the rest of the prisoners. He that took me was unwilling to let me speak with any of the prisoners, as we marched; but on the morning of the second day, he being appointed to guard the rear, I was put into the hands of my other master, who permitted me to speak to my wife, when I overtook her, and to walk with her, to help her in her journey. On the way we discoursed of the happiness of those who had a right to an house not made with hands, eternal in the heavens; and God for a father, and friend, as also, that it was our reasonable duty, quietly to submit to the will of God, and to say, the will of the Lord be done. My wife told me her strength of body began to fail, and that I must expect to part with her; saying, she hoped God would preserve my life, and the life of some, if not all of our children, with us; and commended to me, under God, the care of them. She never spake any

discontented word as to what had befallen us, but with suitable expressions justified God in what had befallen us. We soon made an halt, in which time my chief surviving master came up, upon which I was put upon marching with the foremost, and so made to take my last farewell of my dear wife, the desire of my eyes, and companion in many mercies and afflictions. Upon our separation from each other, we asked for each other, grace sufficient for what God should call us to. After our being parted from one another, she spent the few remaining minutes of her stay in reading the holy Scriptures; which she was wont personally every day to delight her soul in reading, praying, meditating of, and over, by herself, in her closet, over and above what she heard out of them in our family worship. I was made to wade over a small river, and so were all the English, the water above knee-deep, the stream very swift; and after that, to travel up a small mountain; my strength was almost spent, before I came to the top of it. No sooner had I overcome the difficulty of that ascent, but I was permitted to sit down, and be unburthened of my pack. I sat pitying those who were behind, and intreated my master to let me go down, and help up my wife; but he refused, and would not let me stir from him. I asked each of the prisoners (as they passed by me) after her, and heard that in passing through the above-said river, she fell down, and was plunged over head and ears in the water; after which she traveled not far; for at the foot of this mountain, the cruel and blood-thirsty savage, who took her, slew her with his hatchet, at one stroke; the tidings of which were very awful; and yet such was the hardheartedness of the adversary, that my tears were reckoned to me as a reproach. My loss, and the loss of my children, was great; our hearts were so filled with sorrow, that nothing but the comfortable hopes of her being taken away in mercy to herself, from the evils we were to see, feel, and suffer under, (and joined to the assembly of the spirits of just men made perfect, to rest in peace, and joy unspeakable, and full of glory, and the good pleasure of God thus to exercise us), could have kept us from sinking under, at that time. That Scripture, Job i. 21. *Naked came I out of my mother's womb, and naked shall I return thither; the Lord gave, and the Lord hath taken away, blessed be the name of the Lord;* was brought to my mind, and from it, that an afflicting God was to be glorified; with some other places of Scripture, to persuade to a patient bearing my afflictions.

We were again called upon to march, with a far heavier burden on my spirits, than on my back. I begged of God, to over-rule, in his providence, that the corpse of one so dear to me, and of one whose

spirit he had taken to dwell with him in glory, might meet with a Christian burial, and not be left for meat to the fowls of the air, and beasts of the earth: A mercy that God graciously vouchsafed to grant: For God put it into the hearts of my neighbours to come out as far as she lay, to take up her corpse, recarry it to the town, and decently to bury it, soon after. In our march they killed another sucking infant of one of my neighbours; and before night, a girl, of about eleven years of age. I was made to mourn at the consideration of my flock's being so far a flock of slaughter, many being slain in the town, and so many murdered in so few miles from the town; and from fears what we must yet expect from such who delightfully imbrued their hands in the blood of so many of his people. When we came to our lodging place, an Indian captain from the eastward spake to my master about killing of me, and taking off my scalp. I lifted up my heart to God, to implore his grace and mercy in such a time of need; and afterwards I told my master, if he intended to kill me, I desired he would let me know of it, assuring him that my death, after a promise of quarter, would bring the guilt of blood upon him. He told me he would not kill me. We laid down and slept, for God sustained and kept us. In the morning we were all called before the chief sachems of the Macquas and Indians, that a more equal distribution might be made of the prisoners among them. At my going from the wigwam, my best clothing was taken away from me. As I came nigh the place appointed, some of the captives met me, and told me, they thought the enemies were going to burn some of us, for they had peeled off the bark from several trees, and acted very strangely. To whom I replied, they could act nothing against us, but as they were permitted of God, and I was persuaded he would prevent such severities. When we came to the wigwam appointed, several of the captives were taken from their former masters, and put into the hands of others: But I was sent again to my two masters, who brought me from my house.

In our fourth day's march, the enemy killed another of my neighbours, who being near the time of travail, was wearied with her journey. When we came to the great river, the enemy took sleighs to draw their wounded, several of our children, and their packs; and marched a great pace. I travelled many hours in water up to the ankles. Near night I was very lame, having before my travel wrenched my ankle-bone and sinews. I thought, so did others, that I should not be able to hold out to travel far. I lifted up my heart to God (my only refuge) to remove my lameness, and carry me through with my



children and neighbours, if he judged it best. However, I desired God would be with me in my great change, if he called me by such a death to glorify him; and that he would take care of my children and neighbours, and bless them and within a little space of time, I was well of my lameness to the joy of my children and neighbours, that saw so great an alteration in my traveling.

On the Saturday, the journey was long and tedious; we travelled with such speed, that four women were tired, and then slain by them who led them captive.

On the Sabbath day we rested, and I was permitted to pray and preach to the captives. The place of Scripture spoken from, was Lam. i, 18. *The Lord is righteous, for I have rebelled against his commandment: Hear, I pray you, all people, and behold my sorrow: My virgins and my young men are gone into captivity.* The enemy, who said to us, sing us one of Zion's songs, were ready, some of them, to upbraid us, because our singing was not so loud as theirs. When the Macquas and Indians were chief in power, we had this revival in our bondage; to join together in the worship of God, and encourage one another to a patient bearing the indignation of the Lord, till he should plead our cause. When we arrived at New-France we were forbidden praying one with another, or joining together in the service of God.

The next day, soon after we marched, we had an alarm; on which many of the English were bound. I was then near the front, and my masters not with me; so I was not bound. This alarm was occasioned by some Indians shooting at geese that flew over them, that put them into a considerable consternation and fright; but after they came to understand they were not pursued by the English, they boasted, that the English would not come out after them, as they had boasted before we began our journey in the morning. They killed this day two women, who were so faint they could not travel.

The next day, in the morning, before we travelled, one Mary Brooks, a pious young woman, came to the wigwam where I was, and told me, she desired to bless God, who had inclined the heart of her master to let her come to take her farewell of me. Said she, by my falls on the ice yesterday I injured myself, causing a miscarriage this night, so that I am not able to travel far; I know they will kill me to-day; but (says she) God has (praised be his name) by his spirit with his word, strengthened me to my last encounter with death: And mentioned to me some places of Scripture seasonably sent in for her support. And (says she) I am not afraid of death; I can, through the grace of God, cheerfully submit to the will of God. Pray for me (said

she) at parting, that God would take me to himself. Accordingly she was killed that day. I mention it to the end, I may stir up all in their young days, to improve the death of Christ by faith, to a giving them an holy boldness in the day of death.

The next day we were made to scatter one from another into smaller companies; and one of my children carried away with Indians belonging to the eastern parts. At night my master came to me, with my pistol in his hand, and put it to my breast, and said, now I will kill you, for (said he) at your house you would have killed me with it if you could. But, by the grace of God, I was not much daunted; and whatever his intention might be, God prevented my death.

The next day I was again permitted to pray with that company of captives with me, and allowed to sing a psalm together. After which, I was taken from the company of the English, excepting two children of my neighbours, one of which, a girl of four years of age, was killed by her Macqua master, the next morning, the snow being so deep, when we left the river, that he could not carry the child and his pack too.

When the Sabbath came, one Indian staid with me, and a little boy nine years old, whilst the rest went a hunting. And when I was here, I thought with myself, that God had now separated me from the congregation of his people, who were now in his sanctuary, where he commandeth the blessing, even life forever; and made to bewail my unfruitfulness under, and unthankfulness for such a mercy. When my spirit was almost overwhelmed within me, at the consideration of what had passed over me, and what was to be expected, I was ready almost to sink in my spirit. But God spake those words with a greater efficacy than man could speak them, for my strengthening and support: Psal. cxviii. 17. *I shall not die, but live: And declare the works of the Lord.* Psalm xlii. II. *Why art thou cast down, O my soul? And why art thou disquieted within me? Hope thou in God; for I shall yet praise him, who is the health of my countenance, and my God.* Nehem. i. 8, 9. *Remember, I beseech thee, the word that thou commandest thy servant Moses, saying, if ye transgress, I will scatter you abroad among the nations: But if ye turn unto me, and keep my commandments, and do them; though there were of you cast out unto the uttermost part of the heaven, yet will I gather them from thence, and will bring them unto the place that I have chosen, to set my name there.* These three places of Scripture, one after another, by the grace of God, strengthened my hopes, that God would to far restrain the wrath of the adversary, that the greatest number of us left alive, should be carried through so

tedious a journey: That though my children had no father to take care of them, that word quieted me to a patient waiting to see the end the Lord would make, Jer. xlix. II. *Leave thy fatherless children, I will preserve them alive, and let thy widows trust in me.* Accordingly God carried them wonderfully through great difficulties and dangers. My youngest daughter, aged seven years, was carried all the journey, and looked after with a great deal of tenderness. My youngest son, aged four years, was wonderfully preserved from death; for though they that carried him, or drew him on sleighs, were tired with their journey, yet their savage cruel tempers were so over-ruled by God, that they did not kill him; but in their pity, he was spared, and others would take care of him; so that four times on the journey he was thus preserved, till at last he arrived at Montreal, where a French gentlewoman, pitying the child, redeemed it out of the hands of the heathen. My son Samuel, and my eldest daughter, were pitied, so as to be drawn on sleighs, when unable to travel. And though they suffered very much through scarcity of food, and tedious journeys, they were carried through to Montreal. And my son Stephen, about eleven years of age, wonderfully preserved from death, in the famine whereof three English persons died, and after eight months brought into Chamblee.

My master returned on the evening of the Sabbath, and told me, he had killed five moose. The next day we removed to the place where he had killed them. We tarried there three days, till we had roasted and dried the meat. My master made me a pair of snow-shoes, for (said he) you cannot possibly travel without, the snow being knee-deep. We parted from thence heavy laden; I travelled with a burden on my back, with snow-shoes, twenty-five miles the first day of wearing them; and again the next day till afternoon; and then we came to the French river [*Winooski. Ed.*]. My master, at this place, took away my pack, and drew the whole load on the ice; but my bones seemed to be misplaced, and I unable to travel with any speed. My feet were very sore, and each night I wrung blood out of my stockings, when I pulled them off. My shins also were very sore, being cut with crusty snow, in the time of my travelling without snow-shoes. But finding some dry oak-leaves, by the river banks, I put them to my shins; and in once applying of them, they were healed. And here my master was very kind to me, would always give me the best he had to eat; and by the goodness of God, I never wanted a meal's meat, during my captivity; though some of my children and neighbours were greatly wounded, (as I may say) with



the arrows of famine and pinching want; having for many days nothing but roots to live upon, and not much of them neither. My master gave me a piece of a Bible; never disturbing me in reading the Scriptures, or in praying to God. Many of my neighbours, also, found that mercy in their journey, to have Bibles, psalm books, catechisms, and good books, put into their hands, with liberty to use them; and yet after their arrival at Canada, all possible endeavours were used to deprive them of them. Some of them say, their Bibles were demanded by the French priests, and never re-delivered to them, to their great grief and sorrow.

My march on the French river was very sore; for fearing a thaw, we travelled a very great pace; my feet were so bruised, and my joints so distorted by my travelling in snow-shoes, that I thought it impossible to hold out. One morning, a little before break of day, my master came and awakened me out of my sleep, saying, arise, pray to God, and eat your breakfast, for we must go a great way to-day. After prayer, I arose from my knees, but my feet were so tender, swoln, bruised, and full of pain, that I could scarce stand upon them, without holding on the wigwam. And when the Indians said, you must run today; I answered, I could not run. My master pointing out to his hatchet, said to me, then I must dash out your brains, and take off your scalp. I said, I suppose then you will do so, for I am not able to travel with speed. He sent me away on the ice. About sun half an hour high, he over-took me, for I had gone very slowly, not thinking it possible to travel five miles. When he came up, he called me to run; I told him I could go no faster. He passed by without saying one word more; so that sometimes I scarce saw any thing of him for an hour together. I travelled from about break of day till dark; never so much as set down at noon to eat warm victuals; eating frozen meat, which I had in my coat pocket, as I travelled. We went that day two of their day's journey, as they came down. I judge we went forty or forty-five miles that day. God wonderfully supported me; and so far renewed my strength, that in the afternoon I was stronger to travel than in the forenoon. My strength was restored and renewed to admiration. We should never distrust the care and compassion of God, who can give strength to them who have no might, and power to them who are ready to faint.

When we entered on the lake [*Champlain. Ed.*], the ice was very rough and uneven, which was very grievous to my feet, that could scarce endure to be set down on the smooth ice, on the river. I lifted up my cry to God in ejaculatory requests, that he would take notice

of my state, and some way or other relieve me. I had not marched above half a mile, before there fell a moist snow, about an inch and half deep, that made it very soft for my feet, to pass over the lake to the place where my master's family was. Wonderful favours in the midst of trying afflictions! We went a day's journey from the lake, to a small company of Indians, who were hunting; they were, after their manner, kind to me, and gave me the best they had, which was moose flesh, ground-nuts, and cranberries, but no bread. For three weeks together I eat no bread. After our stay there, and undergoing difficulties in cutting of wood, and suffering from lousiness, having lousy old clothes of soldiers put upon me, when they stript me of mine, to sell to the French soldiers in the army.

We again began a march for Chamblee; we stayed at a branch of the lake, and feasted two or three days on geese we killed there. After another day's travel, we came to a river [*Richelieu, Ed.*] where the ice was thawed; we made a canoe of elm-bark in one day, and arrived on a Saturday near noon, at Chamblee, a small village, where is a garrison and fort of French soldiers.

(At CHAMBLEE)

[About 37 miles north of present Vermont border. Ed.]

This village is about fifteen miles from Montreal. The French were very kind to me. A gentleman of the place took me into his house, and to his table; and lodged me at night on a good feather-bed. The inhabitants and officers were very obliging to me, the little time I staid with them, and promised to write a letter to the governour in chief, to inform him of my passing down the river. Here I saw a girl taken from our town, and a young man, who informed me, that the greatest part of the captives were come in, and that two of my children were at Montreal; that many of the captives had been in three weeks before my arrival. Mercy in the midst of judgment! As we passed along the river toward Sorel, we went into a house, where was an English woman of our town, who had been left among the French in order to her conveyance to the Indian fort. The French were very kind to her, and to myself, and gave us the best provision they had; and she embarked with us, to go down to St. François fort. When we came down to the first inhabited house at Sorel, a French woman came to the river side, and desired us to go into her house; and when we were entered, she compassioned our state, and told us, she had in the last war been a captive among the Indians, and therefore was not a little sensible of our difficulties. She gave the Indians something to eat

in the chimney corner, and spread a cloth on the table for us with napkins; which gave such offence to the Indians, that they hasted away, and would not call in at the fort. But wherever we entered into houses, the French were very courteous. When we came to St. François river, we found some difficulty by reason of the ice; and entering a Frenchman's house, he gave us a loaf of bread, and some fish to carry away with us; but we passed down the river till night, and there seven of us supped on the fish called bull-head or pout, and did not eat it up, the fish was so very large.

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[The balance of the courageous minister's narrative deals with his experiences in Montreal, Quebec, Chateauviche, his journey toward freedom, and his arrival in Boston. Editor.]







## Folklore Department

*Edited by* LEON W. DEAN

*President, Green Mountain Folklore Society*

### The Old Buck

Mrs. Foster was an old woman. She lived in a little old wood-colored house by the side of the road in one of the back farm districts of Berkshire. She was unusually well versed in literature for a person living in that vicinity at that time. It was said she would much rather read than sweep and that even though she had quite an array of brooms in her kitchen, brought to her by visiting relatives, she still preferred to sit in the door of her house and read.

Old man Loukes moved into the community, down the road a piece. He was a widower, and, with a small amount of money his wife had left him, he had bought a small place with a couple of cows. Hearing that Mrs. Foster was a pretty smart talker and "kind of entertainin' to listen to," he wanted to get acquainted. So one fine summer's day he walked down the road past her house. Mrs. Foster was sitting in her doorway with her eyes on her book. She did not look up as he passed. After a few minutes, he walked back by the house, still unnoticed. A little later in the day he walked past again. This time, when just in front of the house, he stopped in the road and said:

"Say, mam, ye ain't seen my cows go past here, have ye?"

Mrs. Foster grudgingly looked up and said: "No, I haven't seen anything of any cows going by, but there's an old buck been wandering back and forth by here all day."<sup>1</sup>

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### Was It?

The house was haunted. In my great-grandmother's mind there could be no question about it, for the log cabin at the end of the road in North Fayston resounded with the strains of the violin in the days before the radio was ever dreamed of.

Born in 1827, Great-grandmother Boyce married young, and in 1842 she went with Grandpa to live in the cabin, which according to rumor had been the scene of a murder of a peddler some years before.

The violin music seemed to come from the loft; but when they climbed the ladder to investigate, the sounds were heard coming from below.

Because Grandpa worked in a sawmill some distance away, Grandmother was alone much of the time during the day. Doubtless her youthful imagination played tricks upon her, for along with the music she reported seeing a bloody hand appear on the door. Whether it was imaginary or not, her fear was very real; and she finally became so alarmed that they had to move from the cabin.

Although she lived until 1910 without ever coming in contact with a ghost, she always believed that that house was haunted.<sup>2</sup>



### Weather Signs

When the birds are seen oiling their feathers rain is near.



When the smoke from the chimneys floats toward the west, get your waterproof coat and umbrella, for the east wind has always a storm behind it.



If the muskrats build their houses far back from the water, it will be an open winter with high water from frequent thaws; but if rat houses are near the open water, the winter will be steadily cold with few thaws and no high water until spring.



If the cock goes crowing to bed, he will rise with a watery head.



Six weeks after the first katydid look for frost.<sup>3</sup>

### The Vermont Way

In 1906, the station agent at Lunenburg, Leslie I. Bishop, was a very busy man, with twenty men working for him. At that time Lunenburg was a junction for the St. Johnsbury and Lake Champlain Railroad and the Maine Central. Since there were no through freights, all freight had to be transferred from one line to the other.

One day Mr. Bishop, a Democrat, was invited by his fellow towns-

men to run for town representative. Mr. Bishop, a retiring sort of person who never sought the public eye and had a full-time job at home, declined at first, but was finally persuaded to let his name appear on the ticket.

Just before election day, Albert Morgan, a rabid Republican, drove in his buggy the four miles to town for the express purpose of giving Mr. Bishop the following message:

"Well, Les, since I'm a good friend of yours, thought I'd tell you I won't be down to vote on election day. I can't vote for you, I won't vote against you, but I sure hope you win."

Mr. Bishop won the election and became the first Democrat from Essex County to serve in the state legislature.<sup>4</sup>



## Unusual Ritual

Uncle Alvey Stone was a justice of the peace and occasionally had to perform a marriage ceremony. One night a young couple called at the house to be married, but Uncle Alvey couldn't find his book. After a considerable search had been made, he lost his temper and said to the pair:

"By guts and by golden, sheep turd and molasses, I pronounce you man and wife!"

That was all the wedding they had.<sup>5</sup>



## Nigger Hollow

By MARY R. KENNEDY<sup>6</sup>

Did you ever hear of a fertile green spot in the little town of Fletcher called Nigger Hollow? Well, there is such a town and such a spot. To understand how the name came into being, we must cross the long bridge spanning that timeless river of the Present to the Past.

More than a century ago, some years before the Civil War began, Fletcher, Vermont, was one of the towns on the Underground Railroad. One of the "Stations" of that Railroad was on the land of Farmer "Ort" Ellsworth, a rotund, round-faced, kind-hearted, jovial gentleman of some two hundred and fifty pounds. Many a slave, looking for freedom in Canada, found comfort, food, shelter, and often clothing, in the home of this good man. Many a slave went on his way rejoicing



or, perhaps, was transported by ox-cart or horse-drawn vehicle nearly to the Canadian border.

One dark and stormy evening there appeared at Mr. Ellsworth's door a negro, worn and weary, scarcely able to place one foot before the other. Needless to say, he was taken in, fed, warmed and put to bed in what was called the "back chamber." Next morning he seemed much worse, so a doctor from nearby Fletcher Center was called. This doctor, whose name was, I believe, Briggs, pronounced the sick man ill of that dread disease smallpox!

Consternation seized the family, the doctor, the neighborhood. Smallpox! What to do? That was the triple sixty-four dollar question! Then came help. A ne'er-do-well called "Zack" Brown came forward. He had had smallpox. He would care for the sick man. But where? That question was a poser, too. However, another man came forward with the needed answer. It was summer, wasn't it? Sugaring was over. Sugar houses were well away from any of the homes. His sugar house was empty, why not use it? The suggestion was acted on immediately and the negro, his bed, a chair and a few necessities, including "Zack," of course, were carted off to the sugar house in the maple woods.

Here, for nine long weeks "Zack" and his patient lived. People brought food and other necessary articles within sight of the sugar house, helloed, and then scampered off as if the Evil One were after them. Yet, in spite of all the good people could do, and despite the unceasing care of "Zack" Brown, one beautiful moonlight night in August, the negro passed away.

Now, came the third big question, what should be done with the body? Where should this negro slave be buried? Not in a white cemetery, of course. A black man in a white man's graveyard? Preposterous! Again a good man came forward. In his pasture was a shallow valley. He would give a part of that valley or "hollow," as he called it, to be the last resting-place of the colored man. His offer was accepted and the negro buried.

Later, after the war, people began to show this corner of Fletcher to any visiting people, saying, "This is the hollow where the nigger was buried."

Soon this section of the town was being called "Nigger Hollow," and to this day it is still "Nigger Hollow."

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## No More to Say

A great many years ago some action of the faculty of the University of Vermont displeased the people of Burlington and perhaps others,

and a scathing editorial appeared in one of the papers. The whole University was set by the ears, and an indignation meeting was held by the faculty for the declared purpose of getting a committee appointed to write a reply that would effectually annihilate the opposition and deter others in future from indulging in any similar criticism of that august institution. Among those present was the superintendent of the University Farm. While not a member of the faculty, Cyrus was a man of sound judgement and was often present at faculty meetings, where his advice was often sought. At this particular meeting one after another expressed his opinion, each more indignant and scathing than any previous, until they became pretty well talked out. The farm superintendent sat silent through it all until finally someone turned to him and asked:

"Cyrus, what do you think?"

"Well," Cyrus replied, "I've always noticed that the more you kick a skunk the worse he stinks."

The meeting was silent for a few moments, when someone moved adjournment, and by common consent the whole matter ended.<sup>7</sup>



## Dark Revenge

One summer there came to Belvidere an especially young and pretty school teacher. Immediately keen rivalry sprang up among the young blades of the town for the opportunity of taking the school-marm to church, singing school, walks in the evening, barn dances, or whatever other social functions the town afforded. My grandfather considered himself way out in front in the teacher's affections, and courting her was especially easy since she boarded quite a spell at his father's house.

From the days of Eve, women have been eccentric creatures, and this one was no exception. One night she unexpectedly refused Grandfather's invitation and went to a barn dance with another beau. What a catastrophe! What insolence! What a state! Grandfather could do nothing but sulk and swallow his pride. He determined to get even with such a one who had the nerve to walk out with another beau while boarding in his own father's home.

When the family had settled down for the night, and while that young miss was out with another beau, Gramp sneaked into the kitchen and from the ashes in the fireplace drew out several large pieces of charcoal. He silently climbed the stairs to the school-marm's room, cautiously drew from under the old four-poster the ever-present chamber, and painstakingly blackened the rim with the

charcoal. He knew full well that in the dim candlelight when she retired his revenge would never be noticed.

A year later he married the girl, and only then did he learn upon inquiry that the charcoal did make its mark.<sup>8</sup>



### They Survived

There was once another house on the same farm which was used as a "pest house" during an epidemic of smallpox. A doctor was there in charge all the time. Every morning he stripped his patients and bathed them in a brook of spring water out back. Didn't lose any of them either.<sup>9</sup>



### Robert Sattley's Pike

Robert Sattley was an early settler in Ferrisburg. His cabin was near Little Otter Creek. Near him lived an Indian, known as Indian Joe, and his wife Red Deer. Indian Joe taught Robert how to strip meat, dry it in the sun, and smoke it over an open fire. He gave him a pair of snowshoes and showed him how to walk with them. And he also made him a birch canoe so that they might go spearing in the spring. Another thing Joe taught Robert to make was a dugout or log pirogue in which he could carry his grain or maybe take his family to Vergennes.

One day Robert went fishing and caught a large pike. Indian Joe, passing by, saw the big fish, and picked it up, saying: "Be bac'um. Let Red Deer see."

That was all right with Robert, but he never expected to see his fish again. After catching a few more small ones, he returned to his cabin. Along about sundown he saw Indian Joe and Red Deer coming through the woods. Red Deer was carrying something blackish-gray on a board. As she came closer, Robert recognized his nice pike all encased in muddy clay. Without a word Red Deer went over to the outdoor fireplace, dug a hole in the ground with a stone. Then she filled the hole with hot coals from the fire and went and brought wet reeds from the creek and packed them on the coals. Next she placed the fish on the reeds, and covered the fish with more reeds and coals, lastly putting some of the dirt on top. Then she turned to Robert and said:

"Le'um till moer and I bac'um. Lev cook'um."



Then she and Indian Joe walked away through the woods.

The next day Red Deer returned, dug out the mass of clay, took a stone and cracked it. This removed the clay and the skin of the fish. Then she cut the fish open and removed the insides. Indians believed that dressed fish lost all their goodness.

"No' et'um," she said to Robert.

Hesitating at first but not wishing to hurt his good friends, he ventured to taste the fish. He remarked later it was the best he had ever tasted when seasoned with salt and pepper.<sup>10</sup>



## Outside The Fold

Years ago there used to be each autumn a Methodist camp meeting held in a grove near Lyndonville. In this grove each Methodist Church society of the region had either a small cottage or a spacious tent in which meals were served and sleeping quarters provided for those in attendance from that village or pastorate. The main preaching services were held in an open-air court, but directly after dinner each day the people gathered in each tent or cottage for a class meeting at which each one present was asked to give his or her experience or testimony.

One particular afternoon an Episcopal rector from a neighboring state chanced to be visiting a relative in Lyndonville and expressed a desire to visit the camp meeting and see how those Methodists performed. Accordingly, directly after lunch, the two men walked over to the camp ground and, seeing people entering the Barton Landing cottage, walked in and took seats at one side of the open porch. A considerable number of people soon gathered, and the presiding elder opened the meeting with the singing of a familiar hymn. Then, beginning at one side, the elder, as the custom was, called on each one present for testimony or comment. One after another responded—Sister Skinner, Brother Twombly, Sister Bartlet, and others—until he came to the stranger, to whom he said simply: "Next gentleman."

Our Episcopal friend straightened up and said solemnly, "I am an Episcopalian."

"Better than nothing, brother. Next."<sup>11</sup>



<sup>1</sup>Dorothea H. Patten, Franklin; <sup>2</sup>Marion S. Rowley, Burlington; <sup>3</sup>Amos J. Eaton, So. Royalton; <sup>4</sup>Kathleen E. Forbes, Waterbury; <sup>5</sup>Edith K. Harvey, Hyde Park; <sup>6</sup>Mary R. Kennedy, Barre; <sup>7</sup>Amos J. Eaton, So. Royalton; <sup>8</sup>Evelyn S. Irish, Underhill; <sup>9</sup>Ethel E. Harvey, Hyde Park; <sup>10</sup>Evelena L. Osburne, Ferrisburg; <sup>11</sup>Amos J. Eaton, So. Royalton.



## A VERMONT SKETCHBOOK

I. LOST: A LEGEND OF VERMONT by JULIA GILE

*The dates in the old scrapbook run roughly from 1865 to 1877; and it seemed to be merely a sample of such old books, carefully kept and compiled when Vermont was a century younger. It was not until our attention was called to one article with the title as given above that we were immediately aroused, for there had been a dim legend often told in our youth which suddenly took on focus and meaning—and here it was in print. Editor.*

About ninety years ago, as I suppose, the events of my story occurred. It was in Vermont, within the limits of either the township of Rockingham or of Springfield, it is impossible now to say which, that the log cabin which was the home of the heroine stood, surrounded by forest. The real names of the actors in this tragedy of the woods have passed out of the legend, and I therefore substitute the first names which come to mind.

"I have finished my spinning, Robert, and shall carry the yarn home to-day. I think I will spend the day with Mrs. Green and I wish you would come and meet me and bring baby home," said the young wife, taking the linen yarn in her apron and the baby on her arm.

"Very well," replied the husband, giving the crowing child a kiss as he started off with his hoe over his shoulder for the wheat field. He was hoeing in wheat that day. His lot had been burnt over and sowed with wheat, but the huge stumps of the old trees, the logs lying about, and the thick underground roots in the new land prevented the use of the plough.

All day he worked busily in the fresh soil, with the strange wood-sounds about him, eating his lunch at noon, from his little basket; until the lengthening shadows of the forest around his small clearing betokened the approach of sunset. Then he started off to meet his wife.

A mile or two away in the forest, his neighbor, Green, had made his "clearing." He went on without meeting the wife and baby, until he reached his neighbor's door.

"Why," said Mrs. Green, in answer to his inquiries, "didn't you meet her? She hasn't been gone long, only a few minutes."

"Can she have missed the marked trees?" asked Robert Harris, aghast.

"Don't be alarmed, neighbor," said Mr. Green. "I will go back with you."

The two men went together through the forest which every moment grew darker and drearier. Not so dark but they could see the white gash cut on the side of every prominent tree, which mark, along the dense woods was the only indication of highway. They called Mrs. Harris' name loudly at intervals, but there came no reply. They kept saying to each other, "We may find her at home," but they were heavy at heart. The log house was reached, but home it was no longer to Mr. Harris. The mother and baby were not there. The cow lowed to be milked, and the pigs, which ran in the woods and came home at night, clamored for their usual feeding, but the men took no notice of them. Back again through the woods, with a lantern, calling and hallooing. All in vain. Then they went on to the next clearing, and the next. "A woman is lost!" What telegram in these exciting days of battle ever fell more thrillingly on human nerves than these words going from mouth to mouth among the home-nests of the new country! With iron muscles and determined wills the warmhearted settlers started out.—"We will scour the woods, we will find them; never fear." According to a custom they had at such times, they blew dinner horns, built fires, and shouted until they were hoarse. No tidings of the lost ones on that night. All the next day they searched, and day after day as long as possible. Fires were left smouldering among the trees, men who knew the woods kept resolutely to the search, but the budding April forest held its secret.

When Mrs. Harris started with her baby in her arms from Mrs. Green's expecting momentarily to meet her husband, she went on carelessly, her attention being directed in part to her child, until suddenly starting up, she discovered no white scars of the ax on any tree in sight. But she fancied she had only stepped out of the track and might in a moment regain it.—A vain fancy. Nothing familiar met her eyes. The night came on. The little birds went to rest, the owls laughed dolefully. She was alone with her infant in the great sea of forest where never a woodman's ax had echoed. She was lost. She sat down faint and tired, and, woman-like, began to cry. Hark! that was certainly a human shout. She rose, and holding her sleeping child firmly, ran, as the undergrowth and fallen trees across her path would permit her, towards the welcome voice. She shouted back, but her small voice would never be heard; she only waked the little child



and must now stop and hush it. Then she started on again. Hark! the sound of a horn, but in entirely another direction. Turning her course she ran breathless towards it. And now she thought she heard it again, further off. Many hours of the night were spent in rushing, with hysteric sobs and palpitating heart, towards the voices of her friends. So near that she could hear them, but so far away that no effort of frenzied strength could enable her to reach their protecting presence. What a night it was! Towards morning she slept, leaning against a tree with the baby on her bosom. But she started nervously in her dreams and at the first bird-song woke to full consciousness. With the daybreak came a renewal of her courage. She would not weakly give up to die. Her friends would certainly find her to-day, or she would find them. She saw near her some of the last year's berries and tough leaves of the wintergreen. And here were acorns. A poor breakfast but she ate whatever she could find, for the sake of the child more than for her own. This day she ran wildly through the tangle of dead brakes, and briers growing rank from the decay of centuries, over gullies and jagged rocks, past rude branches that caught at her dress and rent it, till she came to the dying embers of a fire. Here she lingered long. Her friends had been here; perhaps Robert kindled this fire with his own hands, and for her. Hark again! The search has commenced this morning. Echoing through the woods comes the prolonged shriek of a dinner horn. She calls with all the desperation of one drowning; she rushes forward. But the ground is rough, and alas! how heavy the baby grows! She is giddy with loss of sleep and want of food. The baby moans and will not be comforted. In this way passes the day and another dreadful night. She finds another fire, she stays by it and keeps it burning through the night, for she is afraid of wolves. Another morning and she is not hopeful. She has no nourishment for the child. O will not Heaven pity her! Have the sweet April skies become brass to shut out her cries for help! Has God forgotten to be gracious? The little one grown weaker, he cannot hold up his head. Another terrible night; he moans piteously, he falls into convulsions; the next day he dies. All day she carries the little lifeless body in her arms, and all the night, beneath the far-off un pitying stars, she holds it to her bosom. Poor woman! We do not know what lesson was meant to her by the good Father. But perhaps she has known long since; perhaps at this very moment she thinks and adores Him for that great and sore distress, of which we cannot even hear at this far remove of time without a heart-ache.

She carried the little dead burden day after day, until the purple

hue of decay was setting rapidly over it, and she felt, with a pang at her heart, that she must bury it. Then she looked about for a spot where she might dig the tiny grave, so deep that the wild cat and the wolf should not scent it out. Weak as she was, this was no easy task, but in her wanderings she came upon a giant tree, upturned at some former time by a hurricane. In the soft earth where the roots had lain, she scooped the baby's resting place, and making it soft with moss, covered the cold little form forever from her sight. Then she sat down by the grave in a stupor of grief. Hour after hour passed, how long a time she knew not, when she rose to her feet to commence again the dreadful pilgrimage. Then she noted everything about the spot. Here was a rock, there stood an immense hemlock. Yes, she would know the place. She could find it easily with Robert.—Then began again the struggle through the wilderness. Day after day, week after week she pressed on. Her shoes were worn to fragments and fell from her feet. Her garments were worn to tatters. But the days grew warmer, and the fever that was burning in her veins made even the soft showers that fell upon her welcome. First she ate the buds of trees and the bark of the black birch. Presently she began to find young checkerberry leaves, and now and then she came upon partridges' nests and greedily sucked the eggs. After a time there were red raspberries and black thimbleberries in the woods, and then she knew it was July. The trees had put on fresh their beautiful garments. For the delicious poetry that one finds in the woods, sauntering out from the busy life for an hour, she cared nothing.—

She saw nothing but trees, trees, trees, in interminable succession, in bewildering sameness. It seemed years, yes, ages ago, that she swept the hearth with a birch broom and sung the baby to sleep in Robert's cabin. Her mind grew bewildered, still she went on, on, on. When she came to a large stream she went up toward its source till she could wade across it. So she said; and she affirmed that she never crossed any stream wider than a brook.—She paid no attention to sun or moon as guide or indication of the points of compass, but she must have taken a northwesterly course. There was Black river, Mill river, Waterquechy, White, Waits, Wells, flowing into the Connecticut from the Vermont side; but she constantly asserted that she saw none of them. Through July and August there were berries of various kinds, and by means of these she sustained what life was left to her. And now the maples began to take on the gorgeous crimson and the silver birches to wear the pale gold of September; the birds were leaving the forest. Still she went on, on, on. Occasionally she

had glimpses of brindled fur among the branches, or a black bear turned out of her path, afraid of the human form; but no human being did she ever meet, and long, long before human voices had ceased to call her name. Was she all alone on the earth, and was the earth but one vast wilderness without outlet, without clearing or settlement? Had God taken away all life but the brutes, and forgotten her, or ordained her to wander forever? Tramping, tramping, tramping, with feet bleeding and cracked at first and afterwards calloused; naked or nearly so, knowing nothing of time or place. She was fast becoming idiotic. When she was hungry she sought for food, but the great idea lingering in her mind was that of pressing on. Since the luxuriance of summer had filled the forest with ferns and the underbrush, there was more difficulty in passing through. But she had become accustomed to the rough work, and the frenzy became at last a steady, constant habit; the labor of life to her.

One day in October the inhabitants of the village of Charlestown, New Hampshire, were startled into the wildest excitement, by seeing a naked, emaciated woman, with her hair streaming upon her shoulders, walk with bewildered gaze along their street. She told them she was Robert Harris's wife, and she was lost.

"Robert Harris's wife, who disappeared from the opposite side of the river in April!" exclaimed the villagers. "How has she crossed the Connecticut? Where has she been all this time?" But she told them she had never crossed the Connecticut—And she had been lost in the woods all this time. There was no lack of hospitality; the wanderer was immediately clad and fed and cared for to the utmost. Volunteers went at once and brought her husband, for the story of his bereavement was well known on the Charlestown side of the river. We can only imagine the meeting, and what tears were shed at the thought of that little forsaken grave by the uprooted tree. But it is said that joybells were rung in the village, and the poor woman, a living skeleton, was nursed and petted—everybody vieing with her neighbor to lavish every good thing upon her, until her weakened mind recovered its tone again. As she constantly asserted she had never crossed a river, it was supposed that she had wandered into Canada, and, going around the Connecticut at its source, or crossing where it was a brooklet, passed down on the New Hampshire side till she reached a location just opposite that from which she started. When she began to grow strong again, her mind recurred continually to the grave in the wilderness. She described to her husband its surroundings, and he went out to look for it, but without success. As soon as she was able, she went



out with him and other friends to the search, but the baby's grave was never found. It was thought very strange that Mrs. Harris, in all her wanderings, never met a roving Indian, but so it was. The Indian tribes had, perhaps, mostly disappeared from New England, since the French and Indian war, but however, that might be, the first human being whom she met after the burial of her infant, strange as it may seem, was in the streets of Charlestown. This singular legend has descended to the writer from an ancestor of hers, who was the third child born in the town of Rockingham, Vermont; and the story is an undoubted fact.

## 2. YANKEES by Y

*The meditative reader will find much to muse upon across one hundred and eight years in what "Y"—unknown to us—has to say about "Yankees." How much, for instance, of the old truth in the sketch is still true? The sketch is taken from the Supplement to the Courant, Hartford, February 18, 1843, Vol. VIII, No. 4. It originally appeared in the Newark Daily Advertiser. Editor.*

We may laugh at the Yankees as we will, but they are the most thriving people in the world, and 'let those laugh that win.' There is not a drop of their blood in my veins, and, like other people, I am vexed when they outrun me, but let me give them their due; they are a marvellous generation. It is unfair to judge of a race by the emigrant portion, who if the most adventurous are also the least steady; but even of this portion, including the whole procession of pedlars which annually stream southward, like emmets from an ant hill, there is something good to be said. Take your stick, and walk out on the highway: you will not have fairly warmed yourself with the exercise before a gaily painted equipage, snug and light, drawn by a sturdy pair of Vermont horses, will come in sight. The driver is a healthy, ruddy, happy-looking fellow, comfortably wrapped up, and with a shaggy buffalo skin gathered around his feet. You see at a glance that the master's eye has had its well known effect on the cattle. When he alights to bait, you will easily get into conversation with him. His eye is even more inquisitive than his tongue, which is saying much; but beyond this he is not disrespectful. He has a book in his pocket, and has been taught to lay aside his cap in a Christian house. He does not drink, and he does not blaspheme, and he carries no bowie-knife. Commend me in my travels to a comrade who has these three negatives. In a few months he will return to the banks of 'the river,' with

money enough to stock his tiny farm. During his thousand miles of travel he will be sneered at, taxed for his license, hustled at court houses, brow-beaten at inns, blasphemed at barbecues, but never cheated, never beaten, never goaded into an assault, and never seduced from his main point.

Follow your Yankee back to his little estate on Roaring river. It is surrounded by a stone fence, and has a small but comfortable house upon it. Trees are already planted both for fruit and shade. The winter's wood is all ready, and under cover, though it be summer time. A red-cheeked lad, who can read and write, and who sings in the choir, is the only helper; but he does as much towards profits as two 'likely negroes.' There comes to the door 'a creature that might have sat to a sculptor for the image of Welcome.' You do not wonder that Peleg is proud of her, for she is as well read as the school mistress, while she can prepare the baked beans and Indian pudding for the Sabbath dinner as well as if she had never known a letter. Such are the couples—there are thousands of them—from whom proceed the universal nation of Yankees. Their sons will be one day in Oregon. Their daughters will be governesses here and there, and then marry legislators in those unnamed states which lie beyond Iowa.

What is the source of these peculiarities? Why are New England farmers and their sons, in a sterile wintry land, thriftier and more influential than any husbandman on earth? You may go back, step by step, through subordinate causes, such as free labor, parish blessings, and common schools, but you will stop short of the mark, unless you take into full view the ancient peculiarities of their settlement. The Puritans were men of character, and that so strongly marked, that two centuries have left it in a good degree unimpaired in their descendants.

Religious liberty, the right of private study of scripture, ample christian teaching, patriarchal authority and instruction at home, universal education, honourable labor; these were the treasures which the old Calvinists found among the rocks and snows. So long as they lived to themselves, they were a happier race. It remains to be seen whether the reflex operation of their influence on other people will make them better or worse; whether commerce will deteriorate the agricultural simplicity; whether the blade may not acquire a wire-edge from over-whetting, and turn awry upon excessive legislation, everlasting conflicts about abolition and the like; and whether the inventiveness which has been too keen for all the world, will not wound itself, like a sword which cuts its scabboard. The best wine

makes the sourest vinegar; the rankest vegetation, the deadliest miasma; *corruptio optimi pessima est*. One may go ahead, till he oversteps the verge. There are stopping-places; nay places for return. The ancient Connecticut meeting house showed as blessed a Sabbath sight as the world could produce: the pillions brought the grandmothers of those who now come in chaises; but which are the happier? And the octogenarian minister, with buckles and cocked hat, while he was the greatest man in the parish, was the gentlest and the most beloved. *Subordination*, in the Church, in the family and in the shop, instead of being thought adverse to liberty, was the balance-wheel of the freest republican machine extant. The men of Lexington and Bunker Hill came from under a rule of parental and magisterial supremacy, which has become obsolete. Boys were boys. School masters had not learned to look on their chits as constituents. A law, duly passed, was held to be able to last as long as a plough or a sickle. Maiden ladies would sleep sound, even though their propagandism had not cured the ills of the antipodes. *Mais nous avons change tout cela.* Y.





## Review of 1950 – Abstracts of Reports

*The annual meeting of the Board of Curators, the general business meeting for members, and the annual dinner were held on February 27th at the Pavilion Hotel in Montpelier. Editor.*

### I. DIRECTOR'S REPORT *by* ARTHUR W. PEACH

The past year has been a year of many problems. Most of them were solved by means of generous and willing co-operation on the part of the office staff and the executive committee of the Society which was summoned again and again to consider various vital issues arising from the changes involved in moving from the old one-room quarters to the new six-room quarters where the Society is now functioning. The few problems that remain are not serious, and we should look forward to a year of marked progress and achievement.

The departure in March of Mr. Newton to Sturbridge, Mass., made it necessary for the office staff, Miss Follette, Mrs. Davidson, Mr. Morse, and Miss Corry to assume, with such help as I could give them on a part-time basis from my work at Norwich University, practically full responsibility for the transference of the office and library materials from the old one room of many conglomerates to the new rooms, the re-establishment of the one room as a museum, and the utilization of a room for storage of books and other materials, not on regular call, in the basement. Mr. Buxton, the sergeant-at-arms, and his men of the State House staff, gave full assistance, but it was necessary to hire other workers, particularly in the renovating of the museum.

As far as publications are concerned, the *Quarterly*, usually late on its publication date, was brought up to time; its content was enlarged, and its policy widened. *News and Notes* was redesigned by a member of our Board, Mr. Orton, and also enlarged. The definite welcome given both publications indicate that we are on the right road, but there will be no pausing: both publications will be steadily improved; and suggestions from our members as to fields they would like to see us cover, articles they would like to read, new departments they think would be valuable, will be give a hearty greeting.

The Atwater Kent Tavern in Calais, which had seemed to be an



insoluble problem, was studied, and suddenly with the aid of Mrs. Ira Rich Kent of Calais, Vt., and Brookline, Mass., as chairman, the problem disappeared. The Tavern will be made a center of summer activities which will be of wide interest and permanent value to us and the state.

The radio program which had been a losing proposition financially from the beginning was dropped, but plans are now under consideration for its revival under better conditions. The cartoons were continued. The preparation of movies which can be shown in schools and to clubs awaits funds to make the project possible. Such equipment need not be elaborate nor the movies costly or too ambitious. The equipment should be adequate enough for us to record contemporary events of historical value.

The various committees have not been active during recent years, with one or two exceptions, not as a result of lack of interest but the lack of a proper system. This year the committees will be set actively to work.

During the past eight years, the reserve funds have been drawn upon heavily. This method of maintaining the Society had to come to an end, regardless of the merit in using such funds, because they have been practically exhausted. Fortunately, a steadily expanded campaign for memberships, careful testing of all expenditures, and extensive advertising of books, have brought in an income sufficient enough to permit us to close the year with a small balance.

During 1950, eleven life memberships were received, making a total of \$1100 which went into our permanent endowment funds. This number is a record for all the years of the Society's existence; and those of us active in forwarding the interests of the Society are indeed grateful for the generous expression of interest and faith evident in such gifts. Unlike most vigorously progressing historical societies of our type, we received only a small amount, \$300, in gifts and donations. This phase should be expanded, I believe, for there are projects to which some of our members would like to contribute, and a list of these will be made available shortly.

I hope readers of these reports will study Miss Follette's summation for the year; the statistics indicate the busy hours spent by the Society's small staff in promoting the Society's welfare and service.

I regret to report that Mrs. Madelyn Davidson, a highly valuable member of our staff, is departing to accept a position with the Federal Price Stabilization Agency. We shall miss her sorely, but she goes with our best wishes and warm appreciation of her very real contribution in the past to the Society.

This year looks promising. With the co-operation of our members, we feel that inspite of wars and rumors of wars and a tangled world about us of clamor and argument, the lasting values for which our Society stands will be accentuated in word and deed in 1951.

## 2. LIBRARIAN'S REPORT *by* CLARA E. FOLLETTE

The chief events to be noted for 1950, which affected the statistical report, were the moving of the Library to new quarters in the rooms formerly occupied by the State Tax Commission, the redecorating and rearranging of the Museum in its enlarged quarters, and the coming of the new Director, Dr. Peach.

Mr. Newton had already left for Sturbridge when the actual work of moving began, but was able to return for a few days early in March to initiate the process. From that time on the staff carried on alone, encouraged and supported by Dr. Peach, then Acting Director, who came over from Norwich when he could spare the time. The entire staff of four cooperated in the physical work of moving, with the help of two men hired on a temporary basis. The fact that no funds could be set aside specifically for the expenses of moving and special labor kept the staff members from hiring as much help as they should have, perhaps, especially in the early days. There were many problems to be worked out, but for the most part everything went smoothly, with very little loss of time, and only slight mix-ups in the book collection. It is noteworthy that, though the museum had to be closed for four months, the library and office functioned as usual during the entire time.

For this reason, plus the fact, that in the last half of the year Dr. Peach and the typist, Miss Corry, gave the Society full-time service, it is possible to report the tremendous increases to be noted in the second half of the report under *General*. Miss Corry was assigned to library work three afternoons a week. With her help, the end of the year found the library correspondence completely up-to-date and with a much better showing in the statistical report for routine processes than would have been possible otherwise. Approximately six months of the librarian's time were given to the moving project and to the careful checking of all library materials afterward. The checking process is nearly complete, but until it is complete, no corrected figures as to the size of the library collection can be given. About 1000 books, because of the differences in shelving between the old and new quarters, had to have location marks changed both on the books and on the catalog cards. Except for a small amount of the cards filed, this is not included in the statistical report. Also not

included are 300 boxes of storage, marked serially for the first time, and listed, so that they could be found in the new locations. The routine figures for library work, then, based on only about six months of the librarian's time, compare favorably with the reports of the previous years of which 1948 was the peak in library accomplishment.

The arrangement of work space and the card catalogs so conveniently in the new quarters has made it possible to eliminate many steps in the processing of incoming books and materials. Individual pieces not yet catalogued are filed alphabetically, and because they are now close at hand, no temporary listing is necessary. Temporary listings are therefore dropped from the statistical report. Storage of collections is still listed.

The recorded use of library books has dropped considerably, probably because of the disrupted state of the Library in the months of moving, and partly because of the change in routine and help necessitated by the serious injury and absence of the Custodian, Mr. Morse, beginning early in November. The work on clippings also ceased with Mr. Morse's absence. Attendance compares favorably with 1948, the previous non-legislative year. Note the increasing correspondence figures in the two years. The very large increase in mailing other than letters is caused by the sending out of the VHS NEWS AND NOTES from the office rather than by the printer, and by the membership campaign which has doubled the number of members in two years, and very nearly doubled it in one year. These two activities have also by the lively interest aroused had a part in increasing correspondence. A large proportion of the letters were written by Dr. Peach himself, without the help of a secretary. The number of packages mailed is smaller since Mr. Newton began shipping the bulk of his order for his book, *The Vermont Story*, directly from Sturbridge. This was urgently needed to free the office staff and the Custodian for other society work.

Fewer news releases were sent out, but coverage was greater per release. Cartoons run about the same, for the 1949 figure is for half a year only. Radio broadcasting was discontinued in the spring. Staff members, particularly the Director have always been available for talks outside the Society rooms, but they have not before been included in the statistical report. The greatly increased membership program has required a new control system to avoid duplication of invitations.

*Vermont Lease Lands* was the only new publication with the ex-

ception of the regular issues of the QUARTERLY and NEWS AND NOTES. The 27 copies of *Vermont in Quandary* were not new printings, merely shipped to the Society from the bindery where they had been held. The fact that there were a number of new publications in 1949 would tend to make the sales heavier that year. Compared with 1948, the current year show a sizable increase in all sales which may very well be traced to the increased membership and to the special mailings of publication and Bookshelf lists.

### 3. FINANCIAL STATEMENT *by* PRESIDENT LEON S. GAY

[Condensed from the report of the auditor, Frederick A. Mayo, for the year ending December 31, 1950.]

General Endowment Funds		
Wilbur Fund & Life Memberships 1/1/50		\$107,437.08
Interest and Dividends . . . . .	\$3,795.65	
Life Memberships (new) . . . . .	1,100.00	
Gain on sale of securities . . . . .	581.19	5,476.84
		<hr/>
Total 12/31/50 . . . . .		\$112,913.92
Less Transfer to Current Funds . .	3,795.61	
Investment Fund held in Gen. a/c	996.73	4,792.34
		<hr/>
Endowment Funds 12/31/50 . . .		\$108,121.58
Unrestricted Trust Funds . . . .		3,986.84
Dewey Memorial Fund		
Capital and Income . . . . .	\$844.85	
Less expenses and transfer . . . .	77.41	
		<hr/>
Balance on hand 12/31/50 . . . .		767.44
Edmunds Prize Contest Fund		
Principal and interest . . . . .	\$15,294.06	
Less expenses 1950 Contest . . .	579.25	
		<hr/>
Balance on hand 12/31/50 . . . .		14,714.81
Real Estate (Kent Tavern) . . . .		10,649.83
Current Funds, Income		
Balance 1/1/50 . . . . .	\$2,759.13	
Less adjustment . . . . .	35.00	\$2,724.13
		<hr/>
State of Vermont, appropriation . .	8,000.00	
Investment income . . . . .	3,795.65	
Membership dues . . . . .	6,126.18	
Publication income (incl. Vt. Story)	9,555.20	
Radio and Cartoon income . . . .	905.50	
Gifts . . . . .	474.00	
Transfers from various funds . . .	1,853.45	30,709.98
		<hr/>
Total income . . . . .		\$33,434.11
Current Funds, Expenditures		
Salaries and travel . . . . .	\$15,312.42	



Library purchases . . . . .	868.24
Book Shelf . . . . .	467.42
Publications Costs (incl. Vt. Story) . . . . .	8,434.39
Radio and Cartoon costs . . . . .	1,248.51
Expense moving . . . . .	1,158.00
Miscellaneous expenses . . . . .	53.87
Transfers to various Funds . . . . .	823.57
Transfers to unrestricted trust funds . . . . .	3,986.84

Total expenditures . . . . .	\$32,353.26
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Cash on hand 12 /31 /50 . . . . .	\$1,080.85
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Total Vermont Historical Society resources 12 /31 /50	\$139,321.35
Total Vermont Historical Society resources 12 /31 /49	\$138,348.52

# STATISTICS 1950

LIBRARY AND MUSEUM	1950	1949	1948
Accessions—Total recorded . . . . .	327	335	373
Library . . . . .	273	295	356
Museum . . . . .	34	40	17
Acquisitions other than purchase			
Transfer from the State Library . . . . .	6	6	15
Colonel Dames . . . . .	20	19	19
Gifts and exchanges . . . . .	167	249	200
Library . . . . .	127	207	190
Museum . . . . .	40	42	10
Loans . . . . .	17	10	5
Library . . . . .	3	3	3
Museum . . . . .	14	7	2
Cataloging			
Books (Titles cataloged) . . . . .	86	165	252
(Volumes) . . . . .	133	214	330
Account and mss. record books . . . . .	5	8	25
Pictures, plates, etc. . . . .	43	207	210
Books, maps, etc., recatalogued . . . . .	6	2	3
Continuations			
Shelved . . . . .	900	1,499	880
Analyzed for catalog . . . . .	61	166	366
Cards typed for continuation checklist. . . . .	7	11	38
Cards typed for Union catalog . . . . .	81	153	194
Cards filed in VHS catalog . . . . .	1,765	2,928	12,636
Special exhibits prepared (outside of Montpelier)	3	7	6
Newspaper clippings . . . . .	1,445	4,451	4,245
GENERAL			
Attendance . . . . .	18,590	27,207	17,688
Recorded use of books . . . . .	17,551	29,830	28,596
Inter-library loan (included in totals) . . . . .	50	36	72
Correspondence sent out . . . . .	54,266	19,286	3,892
Letters (included in totals) . . . . .	3,330	2,029	1,565
Bills, circulars, <i>News and Notes</i> . . . . .	50,936	17,257	2,327
History queries answered by mail (requiring research) . . . . .	30	27	43
Genealogy queries . . . . .	19	39	27

Packages mailed . . . . .	2,269	3,379	1,444
News Releases . . . . .	12	52	24
Approximate total number of copies of releases sent out . . . . .	121	478	
Cartoons contracted for . . . . .	54	26	
Total number used by newspapers . . . . .	221	130	
Radio broadcasts prepared . . . . .	37	45	37
Total number of broadcasts, including transcriptions . . . . .	37	133	37
Speaking engagements . . . . .	43		
Membership control records maintained . . . . .	3,287		
Membership			
Total, December 31 . . . . .	1,412	889	715
New members . . . . .	559	211	122
Deaths . . . . .	15	5	7
Resigned or dropped . . . . .	21	32	52
Net gain or loss . . . . .	523	174	63
Publications			
Printed			
<i>Vermont Quarterly</i> ** . . . . .	5,523	3,000	3,880
<i>The Vermont Lease Lands</i> . . . . .	511		
<i>News and Notes</i> ** . . . . .	17,500	3,000*	
*first issue dated Sept. 1949			
<i>Peacham History</i> . . . . .			500
<i>Collections of the Vt. Historical Society</i> . . . . .		86	
Growth of Vermont Series:			
<i>Social Ferment</i> . . . . .		214	
<i>Migration from Vermont</i> . . . . .		203	
<i>Vermont in Quandary</i> . . . . .	27	500	
<i>The First Medical College</i> . . . . .		216	
**Distributed largely to members and exchanges free of charge			
Sales of VHS Publications . . . . .	482	676	274
(note: does not include complimentary and review copies or book dividends)			
Vermont Bookshelf sales . . . . .	279	173	
<i>Vermont Story</i> , sales for E. W. Newton . . . . .	634		
(all such sales terminated July 31, 1950)			



## Postscript

*"The use of history is to give value to the present hour and its duty."*—

RALPH WALDO EMERSON

The furore aroused by the imprisonment of two Vermont veterans for debt had wide repercussions—as has already been suggested. This editorial, as a sample, appeared in the *Buffalo* (New York) *Courier-Express*:

Try to imagine what would happen if war veterans—or non-veterans, for that matter—were imprisoned for debt in some Southern State under an old English law discarded in England, itself, as well as in most of the United States, long, long ago. Throughout the North, self-appointed guardians of civil liberties would go trumpeting to the fray. The Southern State in question would be termed medieval and backward and its citizens would be depicted as ignorant, vicious and cruel . . .

But the State in which war veterans have been, and still are, imprisoned for debt is not a backward Southern state. It is Vermont which is in New England and therefore, enlightened and forward-looking . . .

Maybe somebody now will demand a law forbidding backward Southerners to interfere with such fine old institutions as debtors' prisons in enlightened Northern States.

The *Richmond Times-Dispatch* reprinted the above editorial and awarded the writer the following: "on the faraway shores of Lake Erie . . . one engraved corn pone, two beakers of bourbon and branch water and one carload of hush-puppies and grits." [From *The Journal of Southern History*, Vol. XVI, February, 1950, Number 1, "The Provincial South" by Lester J. Cappon.]

\* \* \*

Two hundred years rest quietly on Fort Ticonderoga, and it is idle to try guess how many centuries lie before it, and how many hundreds of thousands will visit it in the years to come. Perhaps there is no more moving story in all American historical annals than that found in the story of the members of the Pell family who recreated

the old Fort until it stands as seemingly timeless as the very ledges upon which it was built. The story is particularly that of William Ferris Pell—"Had it not been for William Ferris Pell and those who came after him not a stone in Fort Ticonderoga would be in place to day." But it is to Stephen H. P. Pell that the major credit, if it is to be offered to one member of the Pell family, must go. His devotion to the single ideal of making the old Fort live again for generations of men to see places him among the few practical idealists in America and American history who made their dreams come true.

As a boy, Stephen Pell played among the ruins, and the discovery among them of a beautiful bronze tinder box awakened his imagination—"The lives of men are swayed by seemingly unimportant things and in Stephen Pell's life always there was the little flint box and the youthful dream. As he grew older the imagination became obsession, and the obsession became reality as stone by stone, timber by timber, wall by wall, he repaired and restored the Fort until it stands the old Fort Ticonderoga, all built from a flint box, a little boy's imagination and a man's hard work, research and intelligence."

I have been reading and quoting from *The Bulletin of The Fort Ticonderoga Museum*, Vol. VIII, 1950, Serial No. 48. It is the memorial edition dedicated to Mr. Pell. It summarizes simply and effectively the history of the restoration of the Fort.

\* \* \*

I have been pondering a plan by which we may make possible certain types of historical tours during the summer. Some would be organized for the general public, for tourists, for school children, and some especially for our members and their guests and friends. The first tour, I am inclined to believe, should be for our members and would be a visit to Fort Ticonderoga, starting here in Montpelier, later following the route of Allen and his Green Mountain Boys to Hand's Cove, and touching at various historic places in Addison County. After study by our Executive Committee, we may be able to announce the plan early enough for our members, many of them living afar but planning to come to Vermont for the summer or for a summer trip, to enter such a trip in their summer schedule. We will welcome comment from our readers on the idea. While it is possible to visit selected places as individuals or as a family, our trips would mean congenial groups, ample historical information, and the pleasure of mutual and common reactions to scenes visited.

\* \* \*

The Greeks had a name for it of course. A brightly tinted face has



been evident in the office since the appearance of the *January Quarterly* and the reference in it to "U. S. Senator Edward J. Phelps." How it slipped by the wise ones is a mystery, but there it is. He was, among other honored positions that came his way, Minister to Great Britain, but he never was a United States Senator. Two able writers among our members were just notified that they were guilty of undisputed errors in recent books; and this quotation from the letter of one shows the inner stress: "The errors that he mentions were inherited from my source material. In any event this is the sort of thing that gives one a nightmare." Indeed, it does, but the pursuit of truth in terms of accuracy must go on, even if it means tinted faces and nightmares.

\* \* \*

Here is a citation from the *Bulletin of the Massachusetts Audubon Society*, February 1950, which certainly merits preservation in our pages:

Perhaps there is no finer tribute to any institution of learning than that paid by those families who entrust to that institution the sons and daughters of each succeeding generation. Likewise, continuous support of a cause by a family from one generation to another must reflect the worth of that cause. The Massachusetts Audubon Society is proud to include in its membership many sons and daughters of former Audubon supporters. An interesting example of this was brought to our attention recently by a valued member in Dedham, Massachusetts. Mrs. Albert R. Gilman, whose uncle, former Governor William W. Stickney, of Vermont, was a great bird fancier and Audubon supporter. Also, her grandfather, John Winslow Stickney, represented the town of Plymouth, Vermont, in the legislature back in 1851 and introduced and secured the passage of a bill which became the first law enacted in the State of Vermont for the protection of song birds. We are reminded of Henry Ward Beecher's admonition when he declared, "We should so live and labor in our time that what came to us as seed may go to the next generation as blossom, and that what came to us as blossom may go to them as fruit. This is what we mean by progress."

\* \* \*

Muriel J. Hughes who kindly gave us permission to publish a list of Vermont dialectal expression in this issue is a member of the Department of English of the University of Vermont. She is a graduate of Morningside College, Sioux City, Iowa, and received both her master's degree and doctor's degree from Columbia University. She is chairman of the Vermont Dialect Committee of the American Dialect Society. I hope interested readers will send along expressions that they have in mind. It is often debatable whether an expression really was created in Vermont, but in gathering in the many, we may

find the few. Such expressions are enlightening in many ways. For instance, what kind of a person evolved this one—"Beware of of a woman who is gosh awful pizen neat"? Probably a psychiatrist would lift his brows at the fact that I have a strange liking for that sentence, and even went so far as to put it into verse:

*Beware of a woman,  
No matter how sweet,  
Who is known to be gosh awful  
Pizen neat!*

\* \* \*

Know any names of Vermonters who migrated to Texas? Mr. A. C. Burnett, 3700 Boulevard Houston, Houston 6, Texas, is searching for all possible biographical information concerning persons who migrated early from the seven northeastern states to Texas. He has collected these Vermont names thus far: Barlow, Samuel H.; Barr, Alanson; Barrett, Don Carlos; Benson, Ellis; Blossom, Hiram; Carey, S.; Carey, Seth; Chamberland, Willard; Coit, P. D.; Fisk, Nathaniel (Scranton); Freeman, Benjamin; Ingram, Ira; Lapham, Moses; Lattin, A. D.; Lee, Theodore S.; Ormsbee, Samuel B.; Petit, Robert; Savary, Asahel; South, D. S.; Van Ness, Cornelius.

\* \* \*

It seems to me that our artist, Mr. Edward M. Sanborn, 182 Pearl St., Burlington, Vt., has caught effectively the sweep of Mt. Mansfield toward the sky. It would tax the most imaginative mind to try to recreate the scenes the ancient mountain has witnessed over the centuries—and the ages; and probably, limping along with his limited five-sense mind, no poet, or any other writer of any type, will attempt it; so each one who views the mountain is left with his own thoughts. Our poet Brown was born in Whitingham, Vt., in 1812, was a graduate of Williams College, and later editor of *The Voice of Freedom* in Brandon, Vt. In 1858, he became editor of *The Chicopee Journal* in Chicopee, Mass. He died in 1906. Mansfield, originally a town chartered in 1763, was annexed to Stowe in 1848.

\* \* \*

Our cover illustration, also by Mr. Sanborn, conveys, I hope, something of the atmosphere of the 154-year-old Rockingham Meeting House standing sturdily defiant of the years on the top of a wind-swept hill looking down on Rockingham, Vt.:

*In Rockingham upon the hill  
The meeting-house shines lone and still;*

*A bare, star-cleaving, gable-peak,  
Broad roof-beamed, snow-ribbed, stark and bleak,  
As long ago their needs sufficed  
Who came from cottage fires to Christ,  
Sharing with frosty breath  
Their footstoves and their faith.*

Annually, the Old Rockingham Meeting House Associations holds a service in the old church during the summer. I will try to notify our members in *News and Notes* of the date as soon as I can discover it. The church and the adjoining country are well worth a visit even if one cannot attend the annual service. Perhaps this description by Lyman S. Hayes in his *The Old Rockingham Meeting House*, Bellows Falls, 1915, will also aid our readers in grasping the overtones of the drawing:

On a commanding eminence, in the almost geographical center of the town of Rockingham, overlooking the nearly deserted village bearing the same name, and surrounded by its burying ground, stands one of the finest examples of Colonial church architecture still remaining in New England. Without spire or other break in its severely plain, puritanical lines, excepting only a small "porch" or enclosed entry and stairway on each end, its high glistening white walls overlook for miles the beautiful Williams River valley, and serve as a reminder of the early thought—almost passion—of our forefathers for things religious and civil.

\* \* \*

H. J. Conant undertook at our request the difficult assignment of reviewing Vermont's much publicized and much criticised "poor debtor's law"—in a popular sense—for this issue; and I believe that his review lays at rest the confusion and doubt about the law that has been evident in Vermont and elsewhere for many years. He is a graduate of Amherst College and earned the degree of M.A. at Columbia University and the LL.B. at Columbia University Law School. He is a member of the Vermont bar and secretary of the Vermont Bar Association. He has been State Librarian of Vermont since 1925. Samuel B. Pettengill, the author of "The Widow's Clearing," is a graduate of Middlebury College and for eight years was one of Oregon's representatives in Congress. His summer home is in Grafton, Vt.

\* \* \*

Beware of tossing away grandmother's or grandfather's old scrap-books. They are demoralizing looking old objects—a sad commentary, you may think, on the futility of human life—clippings dealing with a

vanished day, time-worn and dim; but such old books to the trained and observant eye are visible evidence of timeless interests; and often among the pages are swift gleams that light a distant day. So, before tossing them away, remember that we welcome them. We found "Lost: A Legend of Vermont" in a scrapbook, sent us by one of our wise members, Mrs. H. A. Smalley of Morrisville, Vt. There may be little "beauty" in the worn books, but there is "peace," and a mild warning that our political aches and pains, too, shall pass away and be merely objects of interest—and often of amusement—to generations who follow us.

A.W.P.





## Committees of the Society—1951

*Executive:* Leon S. Gay, Cavendish, chairman, John Clement, Rutland, Harold G. Rugg, Hanover (N. H.), John H. McDill, Woodstock, Sam. R. Ogden, Landgrove, Paul Bourdon, Woodstock, Vrest Orton, Weston, A. W. Peach, Montpelier (ex officio).

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### AS THE YEARS PASS

Generations of men have appeared and vanished since on November 5, 1838, the General Assembly of the State of Vermont approved an "Act to Incorporate the Vermont Historical and Antiquarian Society." This generation and generations far in the future are to pass, but the Society will live on through the changes and vicissitudes of time, keeping alive the traditions that have made a state and a people great, serving the past and the present in terms of values that abide. If any member is interested in setting up memorial funds or other funds that will last as long as Vermont lasts, we welcome an invitation to point the way.

*Dr. Arthur W. Peach, Director*

## GENERAL INFORMATION

*Membership in the Society is open to any individual or institution.*

### AIMS AND PURPOSES

THE VERMONT HISTORICAL SOCIETY, founded one hundred and twelve years ago, is the *official historical society* of the State of Vermont. Housed in the State Library Building at Montpelier, it maintains a Library, Reading-Room, the State Museum, and furnishes a wide range of services to the State and individuals through its staff. It publishes scholarly and general books of lasting value; its rich collections contain priceless material for the study of community, state, and national history; it serves as headquarters for the local historical societies of the State. It also functions as an educational institution, seeking to promote the study of history in both popular and research phases. Its aims are to preserve for the future valuable relics, data, and documents, to emphasize an understanding of history as an asset to the people of the State, including its youth, as an approach to the problems of man in his relation to society, and as a method of clarifying the permanent values that underlie achievement in human experience. The Society is supported in part by appropriations of the General Assembly, but the major part of its necessary income is drawn from private gifts, contributions, endowments, and membership fees. Its affairs are under the direct control of representatives of the State, *ex officio*, and a Board of Curators who are recognized leaders in professional and business fields.

### CLASSES OF MEMBERSHIP

*Names and addresses of possible members are given prompt attention.*

**LIFE MEMBERSHIPS.** \$100. No annual dues. Includes subscription to the official magazine of the Society, *The Vermont Quarterly*, a monthly publication, the *V.H.S. News and Notes*, and a free copy of every book published by the Society after the receipt of the dues and during the member's lifetime.

**V.H.S. ASSOCIATES.** \$25 annual dues. Includes subscription to *The Vermont Quarterly*, *V.H.S. News and Notes*, and a free copy of each book published by the Society in the current year.

**INSTITUTIONAL MEMBERSHIP.** \$10 annual dues. Includes *The Vermont Quarterly*, *V.H.S. News and Notes*, and free copies of monographs or other special studies containing the results of economic research in business and industrial fields from a historical point of view.

**SUSTAINING MEMBERSHIP.** \$5 annual dues. Includes *The Vermont Quarterly*, *V.H.S. News and Notes*, and one free book a year.

**ACTIVE MEMBERSHIP.** \$3 annual dues. Includes *The Vermont Quarterly*, the *V.H.S. News and Notes*.

All members are entitled to the complete services of the Society, including the answering of questions involving historical matters, the assembling of research data, the preparation of club programs, the furnishing of speakers for special occasions, and various other forms of assistance.

All members are allowed ten percent discount on books published by the Society.

A membership, except a life membership, holds for one year, beginning on the day of the receipt with dues of the application or certificate.









SELECTED TITLES FROM THE PUBLICATIONS  
of the  
VERMONT HISTORICAL SOCIETY  
MONTPELIER, VERMONT

Books listed below may be ordered directly at the price indicated. Members of the Society are given a 10 per cent discount on any volume.

1. *The Capture of Ticonderoga* by Lucius Chittenden. Documents, notes. 172 pp. \$1.50
2. *Biography of Thomas Davenport, Inventor of the Electric Motor* by W. R. Davenport. Illus. Index. 165 pp. \$3.00
3. *Vermonters* by D. B. E. Kent. Famous Vermonters, their birthplaces, their records. 187 pp. \$1.50
4. *The Upper Connecticut: Narratives of its Settlement and its Part in the Revolution*. 2 vols. 300 pp.; 286 pp. (\$2.25 per vol.) \$4.50
5. *The Story of a Country Medical College; a History of the Clinical School of Medicine and The Vermont Medical College, Woodstock, Vermont 1827-1856* by F. C. Waite. Illus. 213 pp. \$4.50
6. *Vermont During the War for Independence . . . Being Three Chapters from the Author's Natural and Civil History of Vermont*, published in 1794, by Samuel Williams. 104 pp. Wrappers. \$1.25
7. *People of Wallingford* by B. C. Batcheller. 328 pp. \$3.00
8. *History of Londonderry* by A. E. Cudworth. 228 pp. \$3.00
9. *History of Marlborough* by E. H. Newton. 330 pp. \$3.50
10. *History of Barnard* by W. M. Newton. 2 vols. 879 pp. Illus. Folding Maps. \$6.00
11. *History of Pomfret* by H. H. Vail. 2 vols. 687 pp. Illus. Folding Maps \$5.00
12. *List of Pensioners of the War of 1812* by B. N. Clark. \$1.50
13. *Vermont Imprints Before 1800* by Elizabeth F. Cooley. 133 pp. \$1.50
14. *Heads of Families: Second Census of the United States: 1800. The State of Vermont*. Folio, 233 pp. \$3.00
15. *The First Medical College in Vermont. Castleton 1818-1862* by Frederick Clayton Waite. 280 pp. 13 ill. Catalog of graduates and non-graduates. Index. \$5.00.



THE Philistine, the vulgarian, the great sophist, the passer of base coin for true, he is all about us and, worse, he has his outposts inside us, persecuting our peace, spoiling our sight, confusing our values, making a man's self seem greater than the race and the present things more important than the eternal. From him and his influence we find our escape by means of the *grammata*<sup>1</sup> into that calm world of theirs, where stridency and clamour are forgotten in the ancient stillness, where the strong iron is long since rusted, and the rocks of granite broken into dust, but the great things of the human spirit still shine like stars pointing man's way onward to the great triumph or the great strategy; and even the little things, the beloved and tender and funny and familiar things, beckon across gulfs of death and change with a magic poignancy, the old things that our dead leaders and forefathers loved, *viva adhuc et desiderio pulcrora*<sup>2</sup>.

(<sup>1</sup>Men of letters <sup>2</sup>"Living still and more beautiful because of our longing.")

From *Religio Grammatici* by Gilbert Murray